

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 792: Professional Engineers and Surveyors; reenact and revise licensing laws.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

54           **SECTION 1.** Section 73-13-1, Mississippi Code of 1972, is  
55 reenacted and amended as follows:  
56           73-13-1. In order to safeguard life, health, and property,  
57 and to promote the public welfare, any person or firm in either  
58 public or private capacity practicing or offering to practice  
59 engineering shall hereafter be required to submit evidence that  
60 the person or firm is qualified so to practice engineering and  
61 shall be licensed as hereinafter provided; and it shall be  
62 unlawful for any person or firm to practice or to offer to  
63 practice in this state, engineering, as defined in the provisions  
64 of Sections 73-13-1 through 73-13-45, or to use in connection with  
65 his name or otherwise assume, use, or advertise any title or  
66 description tending to convey the impression that he is a  
67 professional engineer, unless such person has been duly licensed  
68 under the provisions of Sections 73-13-1 through 73-13-45. There  
69 is specifically reserved to engineering graduates of all  
70 universities and colleges accredited by a regional accrediting  
71 body that is recognized by the United States Department of  
72 Education, the right to disclose any college degrees received by  
73 such individuals and use the words "graduate engineer" on his

74 stationery, business cards and personal communications of any  
75 character.

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

78 73-13-3. The term "engineer" as used in Sections 73-13-1  
79 through 73-13-45 shall mean a professional engineer as hereinafter  
80 defined.

81 The term "professional engineer" within the meaning and  
82 intent of Sections 73-13-1 through 73-13-45 shall mean a person  
83 who has met the qualifications as required under Section  
84 73-13-23(1) and who has been issued a certificate of registration  
85 as a professional engineer.

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

91 The term "practice of engineering" within the meaning and  
92 intent of Sections 73-13-1 through 73-13-45 shall mean any service  
93 or creative work the adequate performance of which requires  
94 engineering education, training, and experience in the application  
95 of special knowledge of the mathematical, physical, and  
96 engineering sciences to such services or creative work as  
97 consultation, investigation, expert technical testimony  
98 evaluation, planning, design, and design coordination of  
99 engineering works and systems, planning the use of land, air and  
100 water, performing engineering surveys and studies, and the review  
101 of construction for the purpose of monitoring compliance with  
102 drawings and specifications; any of which embraces such  
103 engineering services or work, either public or private, in  
104 connection with any \* \* \* utilities, water resources, structures,  
105 buildings, machines, equipment, processes, work systems, projects,

106 communication systems, transportation systems, industrial or  
107 consumer products or equipment of control systems; or engineering  
108 services or work of a communications, mechanical, electrical,  
109 hydraulic, pneumatic, chemical, geotechnical (including geology  
110 and geohydrology incidental to the practice of engineering),  
111 geological, environmental, or thermal nature, insofar as they  
112 involve safeguarding life, health or property, and including such  
113 other professional services as may be necessary to the planning,  
114 progress and completion of any engineering services.

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

120       The term "firm," as used in Sections 73-13-1 through  
121 73-13-45, shall mean a business entity that offers the  
122 professional engineering or surveying services to the public of  
123 its licensed personnel who are either employees, officers,  
124 directors, partners, members or managers. A business entity may  
125 be formed as either:

126               (a) A professional service corporation;

127               (b) A corporation;

128               (c) A partnership, including limited partnerships and  
129 limited liability partnerships; or

130               (d) A limited liability company.

131       Prior to any contract for or the provision of professional  
132 engineering or surveying services in this jurisdiction, a firm  
133 shall obtain a certificate of authority under Section 73-13-43 or  
134 Section 73-13-105 of this chapter. A sole proprietorship, owned  
135 and operated by a licensee under this chapter is not required to  
136 obtain a certificate of authority under Section 73-13-43 or  
137 Section 73-13-105. A professional association of licensed

138 professional engineers or professional surveyors is not required  
139 to obtain a certificate of authority under Section 73-13-43 or  
140 Section 73-13-105. Both the licensed sole proprietor and the  
141 licensees within a professional association shall maintain their  
142 individual licenses in active status and only offer the  
143 professional services for which they are licensed and qualified to  
144 provide.

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

149       A person or firm shall be construed to practice or offer to  
150 practice engineering within the meaning and intent of Sections  
151 73-13-1 through 73-13-45, who practices any branch of the  
152 profession of engineering; or provides, by verbal claim, sign,  
153 advertisement, letterhead, card, or in any other way represents  
154 himself to be a professional engineer, or through the use of some  
155 other title implies that he is a professional engineer; or who  
156 holds himself out as able to perform or provide, or who does  
157 perform any engineering service or work or any other professional  
158 service designated by the practitioner or recognized by  
159 educational authorities as engineering.

160       \* \* \*

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

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

166       73-13-5. A \* \* \* Board of Licensure for Professional  
167 Engineers and \* \* \* Surveyors is hereby created whose duty it  
168 shall be to administer the provisions of Sections 73-13-1 through  
169 73-13-105. The board shall consist of six (6) licensed

170 professional engineers, who shall be appointed by the Governor  
171 from eighteen (18) nominees recommended by the Mississippi  
172 Engineering Society, and shall have the qualifications required by  
173 Section 73-13-7, and three (3) licensed professional \* \* \*  
174 surveyors who are not licensed professional engineers, who shall  
175 be appointed by the Governor from nine (9) nominees recommended by  
176 the Mississippi Association of Professional Surveyors and who  
177 shall have the qualifications required by Section 73-13-77. The  
178 members of the board shall be appointed from the above nominees.  
179 The board so appointed shall have two (2) engineer members from  
180 each of the three (3) state Supreme Court districts, \* \* \*  
181 designated by district, Post 1 and Post 2, and shall serve for  
182 four (4) years, or until their successors are duly appointed and  
183 qualified.

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

201 The initial members of the reconstituted board shall serve  
202 terms of office as follows:

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

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

211 (c) An appointment of an engineer member serving at  
212 large shall be made on July 1, 2004, and shall expire on July 1,  
213 2006; and from and after July 1, 2004, this appointment shall be  
214 designated as Post 3.

215 (d) The term of the engineer member presently serving  
216 from the First Supreme Court District, which term was set to  
217 expire on April 8, 2006, shall expire on July 1, 2007; and from  
218 and after July 1, 2004, this appointment shall be designated as  
219 Post 4.

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

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

230 (g) The term of the surveyor member presently serving  
231 at large, which term was set to expire on April 8, 2007, shall  
232 expire on July 1, 2004; subsequent appointments shall be made from

233 the First Supreme Court District; from and after July 1, 2004,  
234 this appointment shall be designated as Post 7.

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

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

245 At the expiration of a term, members of the board shall be  
246 appointed in the manner prescribed in this section for terms of  
247 four (4) years from the expiration date of the previous terms.  
248 Any vacancy on the board prior to the expiration of a term for any  
249 reason, including resignation, removal, disqualification, death or  
250 disability, shall be filled by appointment of the Governor in the  
251 manner prescribed in this section for the balance of the unexpired  
252 term. The Mississippi Engineering Society and/or the Mississippi  
253 Association of Professional Surveyors shall submit a list of  
254 nominees no more than ninety (90) days after a vacancy occurs, and  
255 the Governor shall fill such vacancies within ninety (90) days  
256 after each such vacancy occurs.

257 It shall not be considered the duty of the State of  
258 Mississippi to provide office space and office equipment for the  
259 board herein created.

260 No member of the board shall, during the term of his office  
261 or thereafter, be required to defend any action for damages in any  
262 of the courts of this state where it is shown that said damage  
263 followed or resulted from any of the official acts of said board  
264 in the performance of its powers, duties or authority as set forth

265 in this chapter. Any such action filed shall upon motion be  
266 dismissed, at the cost of the plaintiff, with prejudice.

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

269 73-13-7. Each member of the board shall be a citizen of the  
270 United States and shall have been a resident of the state for at  
271 least five (5) years prior to the appointment. He shall be at  
272 least thirty-two (32) years of age, shall have been engaged in the  
273 practice of engineering or \* \* \* surveying, as the case may be,  
274 for at least ten (10) years and shall have been in responsible  
275 charge of important engineering or \* \* \* surveying work, as the  
276 case may be, for at least five (5) years. Each year of teaching  
277 engineering or \* \* \* surveying in a school or college shall be  
278 equivalent to a year of responsible charge of engineering or \* \* \*  
279 surveying work. Not more than two (2) members of the board at any  
280 time may be teachers of engineering in the universities or  
281 colleges of the state. All members of the board shall be licensed  
282 professional engineers or licensed professional \* \* \* surveyors,  
283 as the case may be.

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

286 73-13-9. Each member of the board shall receive per diem in  
287 accordance with Section 25-3-69 when actually attending to the  
288 work of the board or any of its committees, and shall be  
289 reimbursed for traveling expenses in accordance with Section  
290 25-3-41 in carrying out the provisions of Sections 73-13-1 through  
291 73-13-105.

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

294 73-13-11. The Governor may remove any member of the board  
295 for misconduct, incompetency, neglect of duty, or for any other  
296 sufficient cause. Vacancies in the membership of the board shall



297 be filled for the unexpired term by appointment by the Governor as  
298 provided in Section 73-13-5.

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

301 73-13-13. The board shall hold at least two (2) regular  
302 meetings each year, in the first and third calendar quarters.  
303 Special meetings shall be held at such time as the regulations of  
304 the board may provide. Notice of all meetings shall be given in  
305 such manner as the regulations of the board may provide. The  
306 board shall elect annually, at a regular or special meeting, the  
307 following officers: a president, a vice president, and a  
308 secretary. A quorum of the board shall consist of not less than  
309 five (5) members.

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

312 73-13-15. The board shall have the power to adopt and amend  
313 all regulations and rules of procedure, not inconsistent with the  
314 Constitution and laws of this state, which may be reasonably  
315 necessary for the proper performance of its duties and the  
316 regulations of the proceedings before it. The board shall adopt  
317 and have an official seal. It shall not be required to post bond  
318 on appeals. The board shall have the further power and authority  
319 to:

- 320 (a) Establish standards of conduct and ethics;
- 321 (b) Institute proceedings in its own name;
- 322 (c) Promulgate rules restricting competitive bidding;
- 323 (d) Promulgate rules limiting or restricting  
324 advertising;
- 325 (e) Promulgate rules requiring a demonstration of  
326 continuing education;

327 (f) Adopt and promulgate reasonable bylaws and rules  
328 and regulations necessary or appropriate for the proper  
329 fulfillment of its duties under state laws pertaining thereto;

330 (g) Provide for the enforcement of and to enforce the  
331 laws of the State of Mississippi and, in particular, the  
332 provisions of this chapter, and the bylaws, rules and regulations  
333 of the board;

334 (h) Provide by appropriate rules and regulations,  
335 within the provisions of this chapter, a system for taking the  
336 disciplinary actions provided for in Section 73-13-37, including  
337 the imposition of fines as provided therein; \* \* \*

338 (i) Investigate, prosecute or initiate prosecution for  
339 violation of the laws of this state pertaining to the practices of  
340 engineering and \* \* \* surveying, or matters affecting the rights  
341 and duties or otherwise related thereto; and

342 (j) Adopt rules setting forth qualifications and  
343 standards of practice for firms.

344 In carrying into effect the provisions of Sections 73-13-1  
345 through 73-13-105, the board, under the hand of its president or  
346 secretary and the seal of the board may subpoena witnesses and  
347 compel their attendance, and also may require the production of  
348 books, papers, documents, etc., in any case involving the  
349 disciplinary actions provided for in Section 73-13-37 or 73-13-89  
350 or practicing or offering to practice without licensure. Any  
351 member of the board may administer oaths or affirmations to  
352 witnesses appearing before the board. If any person shall refuse  
353 to obey any subpoena so issued, or shall refuse to testify or  
354 produce any books, papers or documents, the board may present its  
355 petition to such authority as may have jurisdiction, setting forth  
356 the facts, and thereupon such authority shall, in a proper case,  
357 issue its subpoena to such person, requiring his attendance before  
358 such authority and there to testify or to produce such books,

359 papers, and documents, as may be deemed necessary and pertinent by  
360 the board. Any person failing or refusing to obey the subpoena or  
361 order of the said authority may be proceeded against in the same  
362 manner as for refusal to obey any other subpoena or order of the  
363 authority.

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

366 73-13-17. (1) The board shall keep an account of all monies  
367 derived from the operation of Sections 73-13-1 through 73-13-105.  
368 All fees and any other monies received by the board shall be  
369 deposited in a special fund that is created in the State Treasury  
370 and shall be used for the implementation and administration of  
371 Sections 73-13-1 through 73-13-105 when appropriated by the  
372 Legislature for such purpose. The monies in the special fund  
373 shall be subject to all provisions of the state budget laws that  
374 are applicable to special fund agencies, and disbursements from  
375 the special fund shall be made by the State Treasurer only upon  
376 warrants issued by the State Fiscal Officer upon requisitions  
377 signed by the executive director of the board and countersigned by  
378 the secretary of the board. Any interest earned on this special  
379 fund shall be credited by the State Treasurer to the fund and  
380 shall not be paid into the State General Fund. Any unexpended  
381 monies remaining in the special fund at the end of a fiscal year  
382 shall not lapse into the State General Fund. The State Auditor  
383 shall audit the financial affairs of the board and the  
384 transactions involving the special fund at least once a year in  
385 the same manner as for other special fund agencies.

386 (2) The executive director and the secretary of the board  
387 shall give a surety bond satisfactory to the other members of the  
388 board, conditioned upon the faithful performance of their duties.  
389 The premium on said bond shall be regarded as a proper and  
390 necessary expense of the board. When any member of the board or

391 any employee thereof is engaged on business of the board away from  
392 the principal office of the board, he shall be entitled to receive  
393 expenses as authorized in Section 25-3-41, and members of the  
394 board shall be entitled to per diem in an amount not to exceed  
395 that authorized in Section 25-3-69, all as approved by the board.

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

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

403 73-13-19. The board shall keep a record of its proceedings  
404 and a register of all applications for licensure, which register  
405 shall show (a) the name, age and residence of such applicant, (b)  
406 the date of the application, (c) the place of business of such  
407 applicant, (d) his educational and other qualifications, (e)  
408 whether or not an examination was required, (f) whether the  
409 applicant was rejected, (g) whether a certificate of licensure was  
410 granted, (h) the date of the action of the board, and (i) such  
411 other information as may be deemed necessary by the board.

412 The records of the board shall be prima facie evidence of the  
413 proceedings of the board set forth therein, and a transcript  
414 thereof, duly certified by the executive director of the board  
415 under seal, shall be admissible in evidence with the same force  
416 and effect as if the original were produced.

417 Annually, on or before March 15, the board shall submit to  
418 the Governor a report of its transactions of the preceding year,  
419 and shall file with the Secretary of State a copy of such report  
420 of the board, attested by affidavits of its president and its  
421 secretary.

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

424           73-13-21. A roster showing the names and places of business  
425 or residence of all licensed professional engineers and licensed  
426 professional \* \* \* surveyors and licensed firms shall be prepared  
427 biennially by the board. \* \* \*

428           \* \* \*

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

431           73-13-23. (1) (a) The following shall be considered as  
432 minimum evidence satisfactory to the board that the applicant is  
433 qualified for licensure as a professional engineer:

434           \* \* \* Graduation in an engineering curriculum of four (4)  
435 years or more from a school or college approved by the board as of  
436 satisfactory standing or graduation in an engineering, engineering  
437 technology, or related science curriculum of four (4) scholastic  
438 years from a school or college other than those approved by the  
439 board plus a graduate degree in an engineering curriculum from a  
440 school or college wherein the same engineering curriculum at the  
441 undergraduate level is approved by the board as of satisfactory  
442 standing; a specific record of four (4) years of qualifying  
443 engineering experience indicating that the applicant is competent  
444 to practice engineering (in counting years of experience, the  
445 board at its discretion may give credit not in excess of three (3)  
446 years for satisfactory graduate study in engineering), and the  
447 successful passing of examinations in engineering as prescribed by  
448 the board.

449           \* \* \*

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

452           \* \* \*

453           (c) The mere execution, as a contractor, of work  
454 designed by a professional engineer, or the supervision of the  
455 construction of such work as a foreman or superintendent shall not  
456 be deemed to be the practice of engineering.

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

462           (e) No person shall be eligible for licensure as a  
463 professional engineer who is not of good character and reputation,  
464 as defined in the board's Code of Professional Conduct, or who  
465 presents claims in support of his application which contain major  
466 discrepancies.

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

470           (a) Graduation in an engineering curriculum of four (4)  
471 scholastic years or more from a school or college approved by the  
472 board as of satisfactory standing or graduation in an engineering,  
473 engineering technology, or related science curriculum of four (4)  
474 scholastic years from a school or college other than those  
475 approved by the board plus a graduate degree in an engineering  
476 curriculum from a school or college wherein that same engineering  
477 curriculum at the undergraduate level is approved by the board as  
478 of satisfactory standing; and

479           (b) Successfully passing a written examination in the  
480 fundamental engineering subjects.

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

483           73-13-25. Applications for enrollment as an engineer intern  
484 or for licensure as a professional engineer shall be on the forms

485 prescribed and furnished by the board, shall contain statements  
486 made under oath, showing the applicant's education and detailed  
487 summary of the applicant's qualifying experience. Applications  
488 for licensure or relicensure as a professional engineer shall also  
489 contain not less than five (5) references, of whom three (3) or  
490 more shall be engineers having personal knowledge of the  
491 applicant's engineering experience.

492 The application fee for licensure as a professional engineer  
493 shall be determined by the board but shall not exceed Seventy-five  
494 Dollars (\$75.00), which fee shall accompany the application.

495 The application fee for enrollment as an engineer intern  
496 shall be determined by the board but shall not exceed Twenty-five  
497 Dollars (\$25.00), which fee shall accompany the application.

498 Whenever an applicant is cited to an examination or reexamination,  
499 an additional fee equal to the actual cost of the examination  
500 shall be paid by the applicant.

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

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

506 73-13-27. Examinations shall be required for enrollment as  
507 an engineer intern and for licensure as a professional engineer.  
508 The examinations shall be held at such time and place as the board  
509 may determine.

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

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

516           73-13-29. The board shall issue a certificate of licensure  
517 upon payment of licensure fee as provided for in Sections 73-13-1  
518 through 73-13-45, to any applicant who, in the opinion of the  
519 board, has satisfactorily met all the requirements of said  
520 sections. In the case of a licensed engineer, the certificate  
521 shall authorize the "practice of engineering." In the case of an  
522 engineer intern, the certificate shall state that the applicant  
523 has successfully passed the examination in fundamental engineering  
524 subjects required by the board and has been enrolled as an  
525 "engineer intern." Certificates shall show the full name, shall  
526 have a serial number, and shall be signed by the president and the  
527 secretary of the board under seal of the board.

528           The issuance of a certificate of licensure by this board  
529 shall be prima facie evidence that the person named therein is  
530 entitled to all the rights and privileges of a registered  
531 professional engineer while the said certificate remains unrevoked  
532 or unexpired.

533           Before engaging in the practice of the profession, each  
534 licensee hereunder shall upon licensure obtain a seal of the  
535 design authorized by the board, bearing the licensee's name and  
536 the legend "licensed professional engineer." Plans,  
537 specifications and reports prepared by a licensee shall be stamped  
538 with the seal by the licensee during the life of the licensee's  
539 certificate, but it shall be unlawful for anyone to stamp or seal  
540 any documents with the seal after the certificate of the licensee  
541 named thereon is expired or revoked, or while the certificate is  
542 suspended. It shall be unlawful for anyone other than the  
543 licensee to whom the seal has been issued to stamp or seal any  
544 document utilizing such seal.

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



547           73-13-31. Certificates of licensure shall expire on the last  
548 day of the month of December following their issuance or renewal  
549 and shall become invalid on that date unless renewed. It shall be  
550 the duty of the board to notify every person licensed under this  
551 chapter of the date of the expiration of his certificate and the  
552 amount of the fee that shall be required for its renewal for one  
553 (1) year. Such notice shall be sent by first-class mail to the  
554 last known address of the licensee at least one (1) month in  
555 advance of the date of the expiration of said certificate.  
556 Renewal may be effected at any time during the month of December  
557 by the payment of a fee, as determined by the board, not to exceed  
558 Fifty Dollars (\$50.00). A person who is licensed as a  
559 professional engineer and as a professional \* \* \* surveyor may  
560 effect both renewals by the payment of a fee not to exceed  
561 Seventy-five Dollars (\$75.00). The failure on the part of any  
562 licensee to renew his certificate annually in the month of  
563 December as required above, shall not deprive such person of the  
564 right of renewal, but the fee to be paid for the renewal of a  
565 certificate after the month of December shall be increased ten  
566 percent (10%) for each month, or fraction of a month that payment  
567 of renewal is delayed; provided, however, that the maximum fee for  
568 delayed renewal shall not exceed five (5) times the normal renewal  
569 fee. A state agency or any of the state's political subdivisions,  
570 such as a county or municipality, may pay the renewal fee of any  
571 licensee who is a full-time employee; provided, however, that any  
572 licensee who permits his/her renewal fee to be paid from any  
573 public funds shall not perform engineering or \* \* \* surveying  
574 services for a fee or other emoluments for the public or for any  
575 other public entity. If a certificate has expired for six (6)  
576 months or more, the licensee shall be required to submit a new  
577 application, paying back fees and submitting proof of continuing  
578 professional competency compliance. If the certificate has

579 expired for five (5) years or more, in addition to submitting a  
580 new application and proof of continuing professional competency  
581 compliance, reexamination in the principles and practice may be  
582 required. The reexamination requirement may be waived by the  
583 board provided the applicant has continued to practice in another  
584 jurisdiction from the date of expiration of his certificate.

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

587 73-13-33. All professional engineers, licensed in accordance  
588 with the provisions of Chapter 56 of the Laws of Mississippi of  
589 1928, Extraordinary Session, and as amended under Senate Bill No.  
590 383, Chapter 131, Laws of 1940, and whose certificates of  
591 licensure are in effect at the time of passage of Sections 73-13-1  
592 through 73-13-45, shall be entitled to all the rights and  
593 privileges of a licensed professional engineer as provided for in  
594 those sections, while the said certificate remains unrevoked or  
595 unexpired.

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

598 73-13-35. The board may, upon application therefor and the  
599 payment of a fee in accordance with Section 73-13-25, issue a  
600 certificate of licensure as a professional engineer to any person  
601 who holds a certificate of qualification or licensure issued to  
602 him by proper authority of any state or territory or possession of  
603 the United States, or of any country, provided that the  
604 applicant's qualifications meet the requirements of Sections  
605 73-13-1 through 73-13-45 and the rules established by the board.

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

608 73-13-37. (1) The board, upon satisfactory proof and in  
609 accordance with the provisions of this chapter and the  
610 implementing regulations of the board pertaining thereto, is

611 authorized to take the disciplinary actions provided for  
612 hereinafter against any person or firm practicing engineering or  
613 surveying, including nonregistrants, for any of the following  
614 reasons:

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

619 (b) Fraud, deceit or misrepresentation in obtaining a  
620 certificate of licensure;

621 (c) Gross negligence, malpractice or incompetency;

622 (d) Any professional misconduct, as defined by the  
623 board through bylaws, rules and regulations, and standards of  
624 conduct and ethics;

625 (e) Practicing or offering to practice engineering on  
626 an expired certificate or while under suspension or revocation of  
627 certificate unless said suspension or revocation be abated through  
628 probation, as provided for hereinafter; or

629 (f) Addiction to or dependence on alcohol or other  
630 habit-forming drugs or being an habitual user of alcohol,  
631 narcotics, barbiturates, amphetamines, hallucinogens, or other  
632 drugs having similar effect.

633 (2) Any person may prefer charges against any other person  
634 practicing engineering or surveying, including nonlicensees, for  
635 committing any of the acts set forth in subsection (1). Such  
636 charges shall be sworn to, either upon actual knowledge or upon  
637 information and belief, and shall be filed with the board. In the  
638 event any person certified under Sections 73-13-1 through 73-13-45  
639 is expelled from membership in any Mississippi professional  
640 engineering society or association, the board shall thereafter  
641 cite said person to appear at a hearing before the board and to

642 show cause why disciplinary action should not be taken against  
643 him.

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

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

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

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

672 All witnesses who shall be subpoenaed and who shall appear in  
673 any proceedings before the board shall receive the same fees and

674 mileage as allowed by law in judicial civil proceedings, and all  
675 such fees shall be taxed as part of the costs in the case.

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

685 The accused shall have the right to be present at the hearing  
686 in person, by counsel or other representative, or both. The board  
687 is authorized to continue or recess the hearing as may be  
688 necessary.

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

696 If a majority of the board finds the accused guilty of the  
697 charges filed, the board may: (a) issue a public or private  
698 reprimand; (b) require the guilty party to complete a course or  
699 courses, approved by the board, in ethics or other appropriate  
700 subjects; (c) suspend or revoke the certificate of the accused, if  
701 the accused is a licensee; and/or (d) in lieu of or in addition to  
702 such reprimand, course completion, suspension or revocation,  
703 assess and levy upon the guilty party a monetary penalty of not  
704 less than One Hundred Dollars (\$100.00) nor more than Five  
705 Thousand Dollars (\$5,000.00) for each violation.

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

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

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

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

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

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

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

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

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

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



801 promulgated regulations of the board, substitute panel members  
802 from slates of candidates established by the Mississippi  
803 Engineering Society and the Mississippi Association of  
804 Professional Surveyors to the extent necessary to achieve the  
805 number of panel members equivalent to a quorum of the board.  
806 Substitute panel members must meet the qualifications of board  
807 members as provided in Section 73-13-7 and shall receive  
808 compensation as provided for board members in Section 73-13-9.

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

811       73-13-39. Any person or firm who shall practice, or offer to  
812 practice, engineering in this state without being licensed in  
813 accordance with the provisions of Sections 73-13-1 through  
814 73-13-45, or any person presenting or attempting to use as his own  
815 the certificate of licensure or seal of another, or any person who  
816 shall give any false or forged evidence of any kind to the board  
817 or to any member thereof in obtaining a certificate of licensure,  
818 or any person who shall falsely impersonate any other licensee of  
819 like or different name, or any person or firm who shall attempt to  
820 use an expired or revoked certificate of licensure, or any person  
821 or firm who shall violate any of the provisions of Sections  
822 73-13-1 through 73-13-45, shall be guilty of a misdemeanor, and  
823 shall, upon conviction, be sentenced to pay a fine of not less  
824 than One Hundred Dollars (\$100.00), nor more than Five Thousand  
825 Dollars (\$5,000.00) in addition to reimbursement of investigative  
826 expenses and court costs, or suffer imprisonment for a period not  
827 exceeding three (3) months, or both. The criminal penalties  
828 provided for in this section may be assessed in addition to those  
829 civil penalties provided for in Section 73-13-37.

830       Unless licensed in accordance with the provisions of Sections  
831 73-13-1 through 73-13-45, no person shall:

832           (a) Directly or indirectly employ, use, cause to be  
833 used or make use of any of the following terms or any  
834 combinations, variations or abbreviations thereof as a  
835 professional, business or commercial identification, title, name,  
836 representation, claim, asset or means of advantage or benefit:  
837 "engineer," "professional engineer," "licensed engineer,"  
838 "registered engineer," "registered professional engineer,"  
839 "licensed professional engineer," "engineered," "engineering"; or

840           (b) Directly or indirectly employ, use, cause to be  
841 used or make use of any letter, abbreviation, word, symbol,  
842 slogan, sign or any combinations or variations thereof which in  
843 any manner whatsoever tends or is likely to create any impression  
844 with the public or any member thereof that any person is qualified  
845 or authorized to practice engineering; or

846           (c) Receive any fee or compensation or the promise of  
847 any fee or compensation for performing, offering or attempting to  
848 perform any service, work, act or thing which is any part of the  
849 practice of engineering.

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

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

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

863           73-13-41. (1) Sections 73-13-1 through 73-13-45 shall not  
864 be construed to prevent or to affect:

865           (a) The practice of any other legally recognized  
866 profession or trade, such as: (i) engineers employed by  
867 contractors to supervise work on which a licensed engineer is  
868 engaged; \* \* \* (ii) architects who are registered under the  
869 provisions of Chapter 1 of this title; and (iii) the practice of  
870 geology as regulated pursuant to Title 73, Chapter 63;

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

877           (c) The practice of officers and employees of the  
878 government of the United States while engaged within this state in  
879 the practice of engineering for said government; \* \* \*

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

883           (i) Such services are rendered on or in connection  
884 with existing fixed works, equipment, systems, processes or  
885 facilities owned, operated, or leased by such corporation and/or  
886 its affiliates;

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

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

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

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

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

908 It is further stated that this subsection (d) is intended to  
909 codify the policy and practices of the board at the time of  
910 enactment of this Senate Bill No. 2380, 1999 Regular Session  
911 [Laws, 1999, Chapter 534], and that any ambiguities in this  
912 subsection should be construed in accordance with this intent;

913 (e) The performance of engineering services with  
914 respect to utility facilities by any public utility subject to  
915 regulation by the Mississippi Public Service Commission, the  
916 Federal Communications Commission, the Federal Energy Regulatory  
917 Commission, or the Nuclear Regulatory Commission, including its  
918 parents, affiliates, subsidiaries; or by the officers and regular  
919 full-time employees of any such public utility, including its  
920 parents, affiliates or subsidiaries, provided that they are  
921 engaged solely and exclusively in performing service for such  
922 public utility and/or its parents, affiliates or subsidiaries, and  
923 as long as such services comply with all standard operating  
924 procedures and requirements specified by the employee's company or  
925 corporation. This exemption shall not extend to: (i) the  
926 practice of engineering performed by public utilities or their

927 officers or employees when such services are rendered to  
928 nonaffiliated third parties in exchange for compensation other  
929 than that received from their employer, or the use of any name,  
930 title or words which tend to convey the impression that a  
931 nonregistrant is offering engineering services to the public; and  
932 (ii) services which are required to be performed, approved or  
933 certified by a professional engineer pursuant to law or regulation  
934 whether federal, state or local, other than Sections 73-13-1  
935 through 73-13-45 hereof or any applicable rules or regulations  
936 promulgated by the Mississippi \* \* \* Board of Licensure for  
937 Professional Engineers and \* \* \* Surveyors;

938 It is further stated that this subsection (e) is intended to  
939 codify the policy and practices of the board at the time of  
940 enactment of \* \* \* Senate Bill No. 2380, 1999 Regular Session  
941 [Laws, 1999, Chapter 534], and that any ambiguities in this  
942 subsection should be construed in accordance with this intent; or

943 (f) The practice of engineering shall not include the  
944 work ordinarily performed by persons who operate or maintain  
945 machinery, equipment, water plants, power generation, utility  
946 transmission, utility distribution facilities, sewage plants and  
947 solid waste disposal facilities.

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

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

960           73-13-43. As of January 1, 2005, no corporation, firm or  
961 partnership may engage in the practice of professional engineering  
962 in this state unless it has been issued a certificate of authority  
963 by the board. In order to qualify for a certificate of authority,  
964 a corporation, firm or partnership must have at least one (1)  
965 Mississippi-licensed professional engineer as a principal officer,  
966 partner or designated principal engineer of the firm who has  
967 management responsibility for such practice and who makes  
968 significant technical and/or contractual judgments on behalf of  
969 the firm which would affect the firm's professional reputation and  
970 liability.

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

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

986           Each certificate of authorization will expire on December 31  
987 of each year. It shall be the duty of the board to notify every  
988 corporation, firm or partnership holding a certificate of  
989 authority under Sections 73-13-1 through 73-13-45 of the date of

990 the expiration of the certificate and the amount of the fee that  
991 shall be required for its renewal for one (1) year. The renewal  
992 fee shall not exceed One Hundred Fifty Dollars (\$150.00);  
993 penalties for late renewal shall be ten percent (10%) per month  
994 that payment is delayed. Additionally, if any of the information  
995 on the initial or any subsequent renewal application changes for  
996 the corporation, firm or partnership, said corporation, firm or  
997 partnership shall notify the board in the form and manner  
998 prescribed by the board within thirty (30) days of the change.

999 Effective January 1, 2005, the Secretary of State shall not  
1000 issue a certificate of incorporation, licensure or authorization  
1001 to an applicant or licensure as a foreign firm to a corporation,  
1002 firm or partnership which includes in its name, or among the  
1003 objectives for which it is established, any of the words,  
1004 "engineer," "engineering," or any modification or derivation  
1005 thereof, unless the board has issued for said applicant a  
1006 certificate of authority or a letter indicating the eligibility of  
1007 such applicant to receive such a certificate. The corporation,  
1008 firm or partnership applying shall supply such certificate or  
1009 letter from the board with its application for incorporation,  
1010 licensure or authorization to the Secretary of State.

1011 An engineer who renders occasional, part-time or consulting  
1012 engineering services to or for a corporation, firm or partnership  
1013 may not, for the purposes of this section, be designated as being  
1014 responsible for the professional activities of the firm.

1015 No such corporation, firm or partnership shall be relieved of  
1016 responsibility for the conduct or acts of its agents, employees,  
1017 officers, partners, members or managers by reason of its  
1018 compliance with the provisions of this section. No individual  
1019 practicing engineering under this chapter shall be relieved of  
1020 responsibility for engineering services performed by reason of

1021 employment or other relationship with a firm holding an  
1022 authorization certificate.

1023         **SECTION 23.** Section 73-13-45, Mississippi Code of 1972, is  
1024 reenacted and amended as follows:

1025         73-13-45. (1) (a) Neither the state, nor any of its  
1026 political subdivisions, such as a county, city or town, shall  
1027 award construction contracts of any public work involving the  
1028 practice of engineering or architecture unless the plans,  
1029 specifications and estimates have been prepared and such work  
1030 supervised by a registered professional engineer or architect;  
1031 provided, that nothing in this subsection shall be held to apply  
1032 to such public work wherein the expenditure does not exceed Fifty  
1033 Thousand Dollars (\$50,000.00); and provided further, that nothing  
1034 in this subsection shall apply to any municipality wherein such  
1035 public work is not financed in whole or in part through the  
1036 issuance of bonds and let to public contract.

1037         (b) The state and any of its political subdivisions,  
1038 such as a county, city or town, may engage in construction of  
1039 public buildings involving the practice of engineering or  
1040 architecture and using political subdivision work forces without  
1041 the supervision of a licensed professional engineer or architect,  
1042 provided that the total cost of the public building does not  
1043 exceed One Hundred Thousand Dollars (\$100,000.00). This paragraph  
1044 (1)(b) shall not supersede any rules and regulations promulgated  
1045 by the State Department of Health and the Department of  
1046 Environmental Quality.

1047         (2) (a) In the awarding of public contracts for  
1048 professional engineering services, preference shall be given to  
1049 resident professional engineers over those nonresident  
1050 professional engineers domiciled in a state having laws which  
1051 grant a preference to the professional engineers who are residents  
1052 of that state. Nonresident professional engineers shall be



1053 awarded Mississippi public contracts only on the same basis as the  
1054 nonresident professional's state awards contracts to Mississippi  
1055 professional engineers under similar circumstances. When a  
1056 nonresident professional engineer submits a proposal for a public  
1057 project, he shall attach thereto a copy of his resident state's  
1058 current statute, resolution, policy, procedure or executive order  
1059 pertaining to such state's treatment of nonresident professional  
1060 engineers. Resident professional engineers actually domiciled in  
1061 Mississippi, be they corporate, individuals or partnerships, shall  
1062 be granted preference over nonresidents in the awarding of  
1063 contracts in the same manner and to the same extent as provided by  
1064 the laws of the state of domicile of the nonresident. As used in  
1065 this section, the term "resident professional engineer" includes a  
1066 nonresident person, firm or corporation that has been qualified to  
1067 do business in this state and has maintained a permanent full-time  
1068 office in the State of Mississippi for not less than two (2) years  
1069 prior to submitting a proposal for a public project, and the  
1070 subsidiaries and affiliates of such a person, firm or corporation.

1071 (b) The provisions of this subsection shall not apply  
1072 to any contract for any project upon which federal funds would be  
1073 withheld because of the preference requirements of this  
1074 subsection.

1075 (c) Any contract, agreement or arrangement for  
1076 professional engineering services negotiated, made or entered  
1077 into, directly or indirectly, by the state, counties,  
1078 municipalities or any political subdivision thereof, or by any  
1079 special districts, which is in any way in violation of the  
1080 provisions of this subsection is hereby declared to be void as  
1081 contrary to the public policy of this state and shall not be given  
1082 effect or enforced by any court of this state or by any of its  
1083 officers or employees.

1084 (d) Nothing in this subsection shall affect the  
1085 validity of any contract in existence prior to July 1, 1989.

1086 (e) For purposes of this section, the term  
1087 "professional engineering services" means those within the scope  
1088 of the practice of professional engineering as defined by Sections  
1089 73-13-1 through 73-13-45, or those performed by any registered  
1090 professional engineer in connection with professional employment  
1091 or practice.

1092 **SECTION 24.** Section 73-13-71, Mississippi Code of 1972, is  
1093 reenacted and amended as follows:

1094 73-13-71. (1) The term "board," as used in Sections  
1095 73-13-71 through 73-13-105, shall mean the \* \* \* Board of  
1096 Licensure for Professional Engineers and \* \* \* Surveyors as  
1097 provided for in Section 73-13-5 of this chapter.

1098 (2) The term "professional \* \* \* surveyor," as used in  
1099 Sections 73-13-71 through 73-13-105, shall mean a person who  
1100 engages in the practice of \* \* \* surveying as hereinafter defined,  
1101 whether in an individual capacity, or in behalf of or as an  
1102 employee of any state, county or municipal authority of the State  
1103 of Mississippi.

1104 (3) The term "\* \* \* surveyor intern," as used in Sections  
1105 73-13-71 through 73-13-105, shall mean a candidate for licensure  
1106 as a professional \* \* \* surveyor who has successfully passed the  
1107 fundamentals of land surveying examination, has met the  
1108 requirements of the board for enrollment, has received from the  
1109 board a certificate stating that he has successfully passed this  
1110 portion of the professional land surveying examinations and has  
1111 been enrolled as a \* \* \* surveyor intern.

1112 (4) The practice of "\* \* \* surveying," within the meaning  
1113 and intent of Sections 73-13-71 through 73-13-105, shall mean  
1114 providing professional services such as consultation,  
1115 investigation, testimony evaluation, expert technical testimony,

1116 planning, mapping, assembling and interpreting reliable scientific  
1117 measurement and information relative to the location, size, shape  
1118 or physical features of the earth, improvements on the earth, the  
1119 space above the earth, or any part of the earth, utilization and  
1120 development of these facts and interpretation into an orderly  
1121 survey map, plan or report and in particular, the retracement of  
1122 or the creating of land boundaries and descriptions of real  
1123 property.

1124 The practice of surveying includes, but is not limited to,  
1125 any one or more of the following:

1126 (a) Locating, relocating, establishing, reestablishing,  
1127 laying out or retracing any property boundary or easement.

1128 (b) Making any survey for the subdivision of any tract  
1129 of land, including rights-of-way and easements.

1130 (c) Determining, by the use of principles of surveying,  
1131 the position for any survey monument or reference point; or  
1132 setting, resetting or replacing any such monument or reference  
1133 point, commonly known as control surveys.

1134 (d) Creating, preparing or modifying electronic or  
1135 computerized data, including land information systems and  
1136 geographic information systems, relative to the performance of the  
1137 activities in the above-described paragraphs (a) through (c).

1138 **SECTION 25.** Section 73-13-73, Mississippi Code of 1972, is  
1139 reenacted and amended as follows:

1140 73-13-73. No person shall practice \* \* \* surveying without  
1141 having first been duly and regularly licensed by the \* \* \* Board  
1142 of Licensure for Professional Engineers and \* \* \* Surveyors as a  
1143 professional \* \* \* surveyor as required by Sections 73-13-71  
1144 through 73-13-105, nor shall any person practice \* \* \* surveying  
1145 whose authority to practice is revoked by the said board.

1146 \* \* \* The practice of \* \* \* surveying, which must be  
1147 performed by or under the direct supervision of a

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

1155 Duties within both the practice of \* \* \* surveying and the  
1156 practice of engineering, which must be performed by or under the  
1157 direct supervision of a professional \* \* \* surveyor or a  
1158 professional engineer and each map, drawing or report of which  
1159 must be stamped with the seal of said licensee as provided in  
1160 Sections 73-13-29 and 73-13-83, include, but are not limited to,  
1161 the following:

1162 (a) Determining the configuration or contour of the  
1163 earth's surface or the position of fixed objects thereon, commonly  
1164 known as topographical surveys and as-built surveys (excluding the  
1165 location of property boundaries);

1166 (b) Performing geodetic surveying which includes  
1167 surveying for determination of the size and shape of the earth  
1168 utilizing angular and linear measurements through spatially  
1169 oriented spherical geometry;

1170 (c) Determining, by the use of principles of surveying,  
1171 the position for any survey control (nonboundary) monument or  
1172 reference point; or setting, resetting or placing any such  
1173 monument or reference point; and

1174 (d) Creating, preparing or modifying electronic or  
1175 computerized data, including land information systems, and  
1176 geographic information systems, relative to the performance of the  
1177 activities in the above-described paragraphs (a) through (c).

1178 **SECTION 26.** Section 73-13-75, Mississippi Code of 1972, is  
1179 reenacted and amended as follows:

1180           73-13-75. The Mississippi \* \* \* Board of Licensure for  
1181 Professional Engineers and \* \* \* Surveyors is hereby authorized  
1182 and empowered to examine applicants for registration to  
1183 practice \* \* \* surveying; to license and issue certificates of  
1184 licensure to all applicants whom it deems qualified to  
1185 practice \* \* \* surveying in accordance with Sections 73-13-71  
1186 through 73-13-105; and to revoke certificates of licensure for  
1187 just cause as provided for in Sections 73-13-71 through 73-13-105.

1188           **SECTION 27.** Section 73-13-77, Mississippi Code of 1972, is  
1189 reenacted and amended as follows:

1190           73-13-77. (1) The following shall be considered as minimum  
1191 evidence satisfactory to the board that the applicant is qualified  
1192 for licensure as a professional \* \* \* surveyor:

1193           (a) The successful completion of a curriculum of two  
1194 (2) scholastic years or more from a school or college approved by  
1195 the board as of satisfactory standing, including the completion of  
1196 approved courses in surveying and related subjects; a specific  
1197 record of three (3) years of qualifying \* \* \* surveying experience  
1198 indicating that the applicant is competent to practice \* \* \*  
1199 surveying; and successfully passing examinations in surveying  
1200 prescribed by the board; or

1201           (b) A specific record of seven (7) years' or more  
1202 experience in \* \* \* surveying work of a character satisfactory to  
1203 the board and indicating that the applicant is competent to  
1204 practice \* \* \* surveying; and successfully passing examinations in  
1205 surveying prescribed by the board.

1206           \* \* \*

1207           (2) The following shall be considered as minimum evidence  
1208 satisfactory to the board that the applicant is qualified for  
1209 certification as a \* \* \* surveyor intern:

1210           (a) The successful completion of two (2) scholastic  
1211 years or more from a school or college approved by the board as of

1212 satisfactory standing, including the completion of approved  
1213 courses in \* \* \* surveying and related subjects, and successfully  
1214 passing an examination in the fundamentals of land surveying; or

1215 (b) A specific record of three (3) years or more of  
1216 qualifying \* \* \* surveying experience, and successfully passing an  
1217 examination in the fundamentals of land surveying.

1218 (3) No person shall be eligible for licensure as a  
1219 professional surveyor who is not of good character and reputation,  
1220 as defined in the board's Code of Professional Conduct.

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 Seventy-five Dollars (\$75.00), 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 Twenty-five  
1239 Dollars (\$25.00), 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 Fifty  
1317 Dollars (\$50.00). 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 Seventy-five Dollars (\$75.00). 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, including the  
1442 practice of geology as regulated pursuant to Title 73, Chapter 63;  
1443 or

1444 (b) Employees and subordinates. The work of an  
1445 employee or a subordinate of a person holding a certificate of  
1446 registration under Sections 73-13-71 through 73-13-105; providing  
1447 such work does not include final decisions and is done under the  
1448 direct responsibility, checking and supervision of a person  
1449 holding a certificate of licensure under Sections 73-13-71 through  
1450 73-13-105; or

1451 (c) Government officers and employees. The practice of  
1452 officers and employees of the government of the United States  
1453 while engaged within this state in the practice of \* \* \* surveying  
1454 for said government; or

1455 (d) Certain elected or appointed county surveyors. A  
1456 county surveyor as provided for in Section 135 of the Mississippi  
1457 Constitution, and Sections 19-27-1 through 19-27-35 implementing  
1458 the constitutional provision, who holds the office of county  
1459 surveyor by either election or appointment, shall be exempt,  
1460 through December 31, 1983, from the provisions of Sections  
1461 73-13-71 through 73-13-105 insofar as his statutory duties within  
1462 the boundaries of the county in which he is duly elected or  
1463 appointed are concerned. From and after January 1, 1984, such  
1464 surveyor shall not be exempt from the provisions of Sections

1465 73-13-71 through 73-13-105 unless he held the office of county  
1466 surveyor by either election or appointment on December 31, 1983;  
1467 or

1468 (e) Employees of railroad, public service and/or  
1469 utility companies. The work or practice of a regular employee of  
1470 a railroad, or a public service company or public utility, by  
1471 rendering to such company \* \* \* surveying service in connection  
1472 with its facilities which are subject to regulation, supervision  
1473 and control in order to safeguard life, health and property by the  
1474 Public Service Commission or the Mississippi Department of  
1475 Transportation of this state, shall be exempt so long as such  
1476 person is thus actually and exclusively employed and no longer; or

1477 (f) The work of a regular employee of a railroad,  
1478 rendering to the railroad \* \* \* surveying services in connection  
1479 with its facilities within the exclusive scope of his employment  
1480 provided that:

1481 (i) Any new right-of-way acquisitions for  
1482 construction of rail lines by class one railroads shall be  
1483 surveyed and platted in compliance with the Mississippi Minimum  
1484 Standards for Land Surveying by a Mississippi professional \* \* \*  
1485 surveyor; and

1486 (ii) Upon the removal of track and disposition of  
1487 an abandoned rail line the railroad shall retain and make  
1488 available upon reasonable request from Mississippi licensed  
1489 surveyors the railroad's valuation surveys for any such abandoned  
1490 rail line.

1491 (g) The practice of geologists performing geologic  
1492 mapping insofar as such practice does not encompass tasks or  
1493 projects included by statute in the scope of work comprising the  
1494 practice of professional surveying as defined in Title 73, Chapter  
1495 13.

1496           (h) Nothing in this chapter prohibits any municipality  
1497 or county from creating maps for use in planning, zoning, taxing,  
1498 elections, police or fire, E-911, public works, transportation or  
1499 related activities. However, if any such document does not bear  
1500 the seal and signature of a professional surveyor, the document  
1501 shall not be considered to be certifiably accurate as to position  
1502 or location, nor shall the document be considered to be an  
1503 official survey.

1504           **SECTION 37.** Section 73-13-99, Mississippi Code of 1972, is  
1505 reenacted and amended as follows:

1506           73-13-99. Sections 73-13-1 through 73-13-45 and 73-13-71  
1507 through 73-13-103, Mississippi Code of 1972, which create  
1508 the \* \* \* Board of Licensure for Professional Engineers and \* \* \*  
1509 Surveyors and prescribe its duties and powers, shall stand  
1510 repealed as of July 1, 2009.

1511           **SECTION 38.** Section 73-13-103, Mississippi Code of 1972, is  
1512 reenacted and amended as follows:

1513           73-13-103. (1) For the purposes of this section, the term  
1514 "surveyor" means a licensed professional \* \* \* surveyor as defined  
1515 in Section 73-13-71, and any person who is employed by or under  
1516 the direct supervision of a professional \* \* \* surveyor licensed  
1517 under Sections 73-13-71 through 73-13-97.

1518           (2) A surveyor may enter in or upon public or private lands  
1519 or waters, except buildings, while in the lawful performance of  
1520 surveying duties without criminal liability for trespass; however,  
1521 a surveyor shall make a good faith attempt to announce and  
1522 identify himself and his intentions before entering upon private  
1523 property and must present documentation sufficient to identify him  
1524 as a surveyor to anyone requesting such identification.

1525           (3) The provisions of this section do not relieve a surveyor  
1526 from any civil liability that otherwise is actionable at law or in  
1527 equity, and do not relieve a surveyor from criminal liability for

1528 trespass if the entry in or upon the property extends beyond the  
1529 property or area that is necessary to actually perform the  
1530 surveying duties.

1531 (4) Surveyors shall be personally liable for any damage  
1532 caused to private property when exercising entry under this  
1533 section. No cause of action shall lie against a landowner for  
1534 damages to a surveyor while on such lands unless the damage is  
1535 caused by the intentional tortious conduct of landowner or his  
1536 agent.

1537 **SECTION 39.** Section 73-13-105, Mississippi Code of 1972, is  
1538 amended as follows:

1539 73-13-105. As of January 1, 2005, no corporation, firm or  
1540 partnership may engage in the practice of professional surveying  
1541 in this state unless it has been issued a certificate of authority  
1542 by the board. In order to qualify for a certificate of authority,  
1543 a corporation, firm or partnership must have at least one (1)  
1544 Mississippi-licensed professional surveyor as a principal officer  
1545 or partner of the firm who has management responsibility for such  
1546 practice.

1547 The board shall have the authority to promulgate rules and  
1548 regulations setting procedures, standards and other requirements  
1549 for issuing and maintaining a certificate of authority for  
1550 corporations, firms or partnerships practicing surveying in the  
1551 State of Mississippi.

1552 Applications for a certificate of authority shall be on the  
1553 forms prescribed and furnished by the board, and provide all the  
1554 information required by said board. The board shall establish a  
1555 fee for the certificate of authority application, not to exceed  
1556 Two Hundred Fifty Dollars (\$250.00). Any corporation, firm or  
1557 partnership having the necessary qualifications as prescribed  
1558 herein and the rules and regulations of the board shall be issued  
1559 a certificate of authority for said corporation, firm or



1560 partnership to practice surveying and to contract and collect fees  
1561 for furnishing this service.

1562 Each certificate of authorization will expire on December 31  
1563 of each year. It shall be the duty of the board to notify every  
1564 corporation, firm or partnership holding a certificate of  
1565 authority under Sections 73-13-71 through 73-13-105 of the date of  
1566 the expiration of the certificate and the amount of the fee that  
1567 shall be required for its renewal for one (1) year. The renewal  
1568 fee shall not exceed One Hundred Fifty Dollars (\$150.00);  
1569 penalties for late renewal shall be ten percent (10%) per month  
1570 that payment is delayed. Additionally, if any of the information  
1571 on the initial or any subsequent renewal application changes for  
1572 the corporation, firm or partnership, said corporation, firm or  
1573 partnership shall notify the board in the form and manner  
1574 prescribed by the board within thirty (30) days of the change.

1575 Effective January 1, 2005, the Secretary of State shall not  
1576 issue a certificate of incorporation, licensure or authorization  
1577 to an applicant or licensure as a foreign firm to a corporation,  
1578 firm or partnership which includes in its name, or among the  
1579 objectives for which it is established, any of the words,  
1580 "surveyor," "surveying" or any modification or derivation thereof,  
1581 unless the board has issued for said applicant a certificate of  
1582 authority or a letter indicating the eligibility of such applicant  
1583 to receive such a certificate. The corporation, firm or  
1584 partnership applying shall supply such certificate or letter from  
1585 the board with its application for incorporation, licensure or  
1586 authorization to the Secretary of State.

1587 A surveyor who renders occasional, part-time or consulting  
1588 surveying services to or for a corporation, firm or partnership  
1589 may not, for the purposes of this section, be designated as being  
1590 responsible for the professional activities of the firm.

1591 No such corporation, firm or partnership shall be relieved of  
1592 responsibility for the conduct or acts of its agents, employees,  
1593 officers, partners, members or managers by reason of its  
1594 compliance with the provisions of this section. No individual  
1595 practicing surveying under this chapter shall be relieved of  
1596 responsibility for surveying services performed by reason of  
1597 employment or other relationship with a firm holding an  
1598 authorization certificate.

1599 **SECTION 40.** This act shall take effect and be in force from  
1600 and after July 1, 2004.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 73-13-19,  
14 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED  
15 SECTION 73-13-21, MISSISSIPPI CODE OF 1972, TO DELETE THE  
16 REQUIREMENT THAT COPIES OF THE ROSTER OF ENGINEERS BE MAILED TO  
17 ALL LICENSEES; TO AMEND REENACTED SECTION 73-13-23, MISSISSIPPI  
18 CODE OF 1972, TO REVISE QUALIFICATIONS FOR LICENSURE; TO AMEND  
19 REENACTED SECTIONS 73-13-25, 73-13-27 AND 73-13-29, MISSISSIPPI  
20 CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 73-13-31,  
21 MISSISSIPPI CODE OF 1972, TO REVISE REQUIREMENTS REGARDING EXPIRED  
22 LICENSES; TO AMEND REENACTED SECTIONS 73-13-33 AND 73-13-35,  
23 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND REENACTED  
24 SECTION 73-13-37, MISSISSIPPI CODE OF 1972, TO REVISE NOTICE  
25 REGARDING DISCIPLINARY ACTIONS; TO AMEND REENACTED SECTION  
26 73-13-39, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES; TO AMEND  
27 REENACTED SECTION 73-13-41, MISSISSIPPI CODE OF 1972, IN  
28 CONFORMITY; TO AMEND REENACTED SECTION 73-13-43, MISSISSIPPI CODE  
29 OF 1972, TO PROVIDE FOR CERTIFICATES OF AUTHORITY FOR  
30 CORPORATIONS, FIRMS AND PARTNERSHIPS; TO AMEND REENACTED SECTION  
31 73-13-45, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
32 REENACTED SECTION 73-13-71, MISSISSIPPI CODE OF 1972, TO DEFINE  
33 THE TERM "SURVEYING"; TO AMEND REENACTED SECTION 73-13-73,  
34 MISSISSIPPI CODE OF 1972, TO CLARIFY DUTIES WITHIN THE PRACTICE OF  
35 SURVEYING AND ENGINEERING; TO AMEND REENACTED SECTIONS 73-13-75  
36 AND 73-13-77, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
37 REENACTED SECTIONS 73-13-79 AND 73-13-81, MISSISSIPPI CODE OF  
38 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 73-13-83,  
39 MISSISSIPPI CODE OF 1972, TO REVISE SEAL REQUIREMENTS; TO AMEND

40 REENACTED SECTION 73-13-85, MISSISSIPPI CODE OF 1972, TO REVISE  
41 RENEWAL OF EXPIRED LICENSE REQUIREMENTS; TO AMEND REENACTED  
42 SECTIONS 73-13-87, 73-13-89 AND 73-13-93, MISSISSIPPI CODE OF  
43 1972, IN CONFORMITY; TO AMEND REENACTED SECTION 73-13-95,  
44 MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES; TO AMEND REENACTED  
45 SECTION 73-13-97, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
46 AMEND REENACTED SECTION 73-13-99, MISSISSIPPI CODE OF 1972, TO  
47 EXTEND THE REPEALER ON THE BOARD OF LICENSURE FOR PROFESSIONAL  
48 ENGINEERS AND SURVEYORS; TO AMEND REENACTED SECTION 73-13-103,  
49 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION  
50 73-13-105, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR SURVEYING  
51 CERTIFICATES OF AUTHORITY FOR CORPORATIONS, FIRMS AND  
52 PARTNERSHIPS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Edward Blackmon, Jr.

X (SIGNED)  
James C. Simpson, Jr.

X (SIGNED)  
Bobby Moak

CONFEREES FOR THE SENATE

X (SIGNED)  
Nolan Mettetal

X (SIGNED)  
Walter Michel

X (SIGNED)  
Thomas E. Robertson