

By: Representative Blackmon

To: Judiciary A

HOUSE BILL NO. 1176

1 AN ACT TO AMEND SECTION 73-13-3, MISSISSIPPI CODE OF 1972, TO
2 DELETE EXPERT TESTIMONY FROM THE DEFINITION OF PRACTICE OF
3 ENGINEERING; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 73-13-3, Mississippi Code of 1972, is
6 amended as follows:

7 73-13-3. The term "engineer" as used in Sections 73-13-1
8 through 73-13-45 shall mean a professional engineer as hereinafter
9 defined.

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

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

20 The term "practice of engineering" within the meaning and
21 intent of Sections 73-13-1 through 73-13-45 shall mean any service
22 or creative work the adequate performance of which requires
23 engineering education, training, and experience in the application
24 of special knowledge of the mathematical, physical, and
25 engineering sciences to such services or creative work as
26 consultation, investigation, * * * planning, design, and design
27 coordination of engineering works and systems, planning the use of

28 land, air and water, performing engineering surveys and studies,
29 and the review of construction for the purpose of monitoring
30 compliance with drawings and specifications; any of which embraces
31 such engineering services or work, either public or private, in
32 connection with any utilities, water resources, structures,
33 buildings, machines, equipment, processes, work systems, projects,
34 communication systems, transportation systems, industrial or
35 consumer products or equipment of control systems; or engineering
36 services or work of a communications, mechanical, electrical,
37 hydraulic, pneumatic, chemical, geotechnical (including geology
38 and geohydrology incidental to the practice of engineering),
39 geological, environmental, or thermal nature, insofar as they
40 involve safeguarding life, health or property, and including such
41 other professional services as may be necessary to the planning,
42 progress and completion of any engineering services.

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

48 The term "firm," as used in Sections 73-13-1 through
49 73-13-45, shall mean a business entity that offers the
50 professional engineering or surveying services to the public of
51 its licensed personnel who are either employees, officers,
52 directors, partners, members or managers. A business entity may
53 be formed as either:

- 54 (a) A professional service corporation;
- 55 (b) A corporation;
- 56 (c) A partnership, including limited partnerships and
57 limited liability partnerships; or
- 58 (d) A limited liability company.

59 Prior to any contract for or the provision of professional
60 engineering or surveying services in this jurisdiction, a firm

61 shall obtain a certificate of authority under Section 73-13-43 or
62 Section 73-13-105 of this chapter. A sole proprietorship, owned
63 and operated by a licensee under this chapter is not required to
64 obtain a certificate of authority under Section 73-13-43 or
65 Section 73-13-105. A professional association of licensed
66 professional engineers or professional surveyors is not required
67 to obtain a certificate of authority under Section 73-13-43 or
68 Section 73-13-105. Both the licensed sole proprietor and the
69 licensees within a professional association shall maintain their
70 individual licenses in active status and only offer the
71 professional services for which they are licensed and qualified to
72 provide.

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

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

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

91 **SECTION 2.** This act shall take effect and be in force from
92 and after July 1, 2007.