

By: Senator(s) Bryan

To: Business and Financial
Institutions

SENATE BILL NO. 2828

1 AN ACT TO AMEND SECTION 73-13-3, MISSISSIPPI CODE OF 1972, TO
2 EXCLUDE EXPERT TECHNICAL TESTIMONY FROM THE DEFINITION OF THE TERM
3 "PRACTICE OF ENGINEERING" IN REGARD TO THE PROFESSIONAL ENGINEERS
4 LICENSURE LAW; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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