

By: Representatives Busby, Boyd

To: Judiciary A

HOUSE BILL NO. 1288

1 AN ACT TO AMEND SECTIONS 73-13-31, 73-13-15, 73-13-43,
2 73-13-85 AND 73-13-105, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
3 CERTIFICATES OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND
4 SURVEYORS MAY BE FOR TWO YEARS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-13-31, Mississippi Code of 1972, is
7 amended as follows:

8 73-13-31. (1) Except as provided in Section 33-1-39 and
9 subsection (2) of this section, certificates of licensure shall
10 expire on the last day of the month of December following their
11 issuance or renewal and shall become invalid on that date unless
12 renewed. It shall be the duty of the board to notify every person
13 licensed under this chapter of the date of the expiration of his
14 certificate and the amount of the fee that shall be required for
15 its renewal for one (1) year or two (2) years. Such notice
16 shall * * * occur at least one (1) month in advance of the date of
17 the expiration of said certificate. Renewal may be effected at
18 any time during the month of December by the payment of a fee, as
19 determined by the board, not to exceed Fifty Dollars (\$50.00) or



20 One Hundred Dollars (\$100.00) if renewals are for two (2) years.
21 A person who is licensed as a professional engineer and as a
22 professional surveyor may effect both renewals by the payment of a
23 fee not to exceed Seventy-five Dollars (\$75.00), or One Hundred
24 Fifty Dollars (\$150.00) if renewals are for two (2) years. The
25 failure on the part of any licensee to renew his certificate
26 annually, or biennially, in the month of December as required
27 above, shall not deprive such person of the right of renewal, but
28 the fee to be paid for the renewal of a certificate after the
29 month of December shall be increased ten percent (10%) for each
30 month, or fraction of a month that payment of renewal is delayed;
31 provided, however, that the maximum fee for delayed renewal shall
32 not exceed five (5) times the normal renewal fee. A state agency
33 or any of the state's political subdivisions, such as a county or
34 municipality, may pay the renewal fee of any licensee who is a
35 full-time employee; provided, however, that any licensee who
36 permits his/her renewal fee to be paid from any public funds shall
37 not perform engineering or surveying services for a fee or other
38 emoluments for the public or for any other public entity. If a
39 certificate has expired for six (6) months or more, the licensee
40 shall be required to submit a new application, paying back fees
41 and submitting proof of continuing professional competency
42 compliance. If the certificate has expired for five (5) years or
43 more, in addition to submitting a new application and proof of
44 continuing professional competency compliance, reexamination in



the principles and practice may be required. The reexamination requirement may be waived by the board provided the applicant has continued to practice in another jurisdiction from the date of expiration of his certificate.

SECTION 2. Section 73-13-15, Mississippi Code of 1972, is amended as follows:

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

- (a) Establish standards of conduct and ethics;
- (b) Institute proceedings in its own name;
- (c) Promulgate rules restricting competitive bidding;
- (d) Promulgate rules limiting or restricting advertising;
- (e) Promulgate rules requiring a demonstration of continuing education;
- (f) Adopt and promulgate reasonable bylaws and rules and regulations necessary or appropriate for the proper fulfillment of its duties under state laws pertaining thereto;



69 (g) Provide for the enforcement of and to enforce the
70 laws of the State of Mississippi and, in particular, the
71 provisions of this chapter, and the bylaws, rules and regulations
72 of the board;

73 (h) Provide by appropriate rules and regulations,
74 within the provisions of this chapter, a system for taking the
75 disciplinary actions provided for in Section 73-13-37, including
76 the imposition of fines as provided therein;

77 (i) Investigate, prosecute or initiate prosecution for
78 violation of the laws of this state pertaining to the practices of
79 engineering and surveying, or matters affecting the rights and
80 duties or otherwise related thereto; * * *

81 (j) Adopt rules setting forth qualifications and
82 standards of practice for firms * * *; and

83 (k) Provide by appropriate rules and regulations,
84 within the provisions of this chapter, a system for the annual
85 and/or biennial renewal of certificates of licensure.

86 In carrying into effect the provisions of Sections 73-13-1
87 through 73-13-105, the board, under the hand of its president or
88 secretary and the seal of the board may subpoena witnesses and
89 compel their attendance, and also may require the production of
90 books, papers, documents, etc., in any case involving the
91 disciplinary actions provided for in Section 73-13-37 or 73-13-89
92 or practicing or offering to practice without licensure. Any
93 member of the board may administer oaths or affirmations to



witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

SECTION 3. Section 73-13-43, Mississippi Code of 1972, is amended as follows:

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



119 The board shall have the authority to promulgate rules and
120 regulations setting procedures, standards and other requirements
121 for issuing and maintaining a certificate of authority for
122 corporations, firms or partnerships practicing engineering in the
123 State of Mississippi.

124 Applications for a certificate of authority shall be on the
125 forms prescribed and furnished by the board, and provide all the
126 information required by said board. The board shall establish a
127 fee for the certificate of authority application, not to exceed
128 Two Hundred Fifty Dollars (\$250.00) for a one-year certificate or
129 Four Hundred Dollars (\$400.00) for a two-year certificate. Any
130 corporation, firm or partnership having the necessary
131 qualifications as prescribed herein and the rules and regulations
132 of the board shall be issued a certificate of authority for said
133 corporation, firm or partnership to practice engineering and to
134 contract and collect fees for furnishing this service.

135 Each certificate of authorization will expire on December 31
136 of * * * the end of the renewal period year. It shall be the duty
137 of the board to notify every corporation, firm or partnership
138 holding a certificate of authority under Sections 73-13-1 through
139 73-13-45 of the date of the expiration of the certificate and the
140 amount of the fee that shall be required for its renewal for one
141 (1) year or two (2) years. The renewal fee shall not exceed One
142 Hundred Fifty Dollars (\$150.00) for one (1) year or Three Hundred
143 Dollars (\$300.00) for two (2) years; penalties for late renewal



shall be ten percent (10%) per month that payment is delayed. Additionally, if any of the information on the initial or any subsequent renewal application changes for the corporation, firm or partnership, said corporation, firm or partnership shall notify the board in the form and manner prescribed by the board within thirty (30) days of the change.

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

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

No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or managers by reason of its



169 compliance with the provisions of this section. No individual
170 practicing engineering under this chapter shall be relieved of
171 responsibility for engineering services performed by reason of
172 employment or other relationship with a firm holding an
173 authorization certificate.

174 **SECTION 4.** Section 73-13-85, Mississippi Code of 1972, is
175 amended as follows:

176 73-13-85. Certificates of licensure shall expire on the last
177 day of the month of December at the end of the renewal period
178 following their issuance or renewal and shall become invalid on
179 that date unless renewed. It shall be the duty of the board to
180 notify every person licensed under Sections 73-13-71 through
181 73-13-105 of the date of the expiration of his certificate and the
182 amount of the fee that shall be required for its renewal for one
183 (1) year or two (2) years; such notice shall * * * occur at least
184 one (1) month in advance of the date of the expiration of said
185 certificate. Renewal may be effected at any time during the month
186 of December by the payment of a fee not to exceed Fifty Dollars
187 (\$50.00) or One Hundred Dollars (\$100.00) if renewals are for two
188 (2) years. A person who is licensed as a professional surveyor
189 and as a professional engineer may effect both renewals by the
190 payment of a single fee not to exceed Seventy-five Dollars
191 (\$75.00), or One Hundred Fifty Dollars (\$150.00) if renewals are
192 for two (2) years. The failure on the part of any licensee to
193 renew his certificate annually or biennially in the month of



December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month that payment of renewal is delayed; however, the maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee.

If a certificate has expired for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination in the principles and practice may be required. The reexamination may be waived by the board provided the applicant has continued to practice under another jurisdiction from the date of expiration of his certificate.

SECTION 5. Section 73-13-105, Mississippi Code of 1972, is amended as follows:

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



or partner of the firm who has management responsibility for such practice.

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

Applications for a certificate of authority shall be on the forms prescribed and furnished by the board, and provide all the information required by said board. The board shall establish a fee for the certificate of authority application, not to exceed Two Hundred Fifty Dollars (\$250.00) for a one-year certificate and Four Hundred Dollars (\$400.00) for a two-year certificate. Any corporation, firm or partnership having the necessary qualifications as prescribed herein and the rules and regulations of the board shall be issued a certificate of authority for said corporation, firm or partnership to practice surveying and to contract and collect fees for furnishing this service.

Each certificate of authorization will expire on December 31 of * * * the end of the renewal period year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under Sections 73-13-71 through 73-13-105 of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. The renewal fee shall not exceed One



243 Hundred Fifty Dollars (\$150.00) for one (1) year or Three Hundred
244 Dollars (\$300.00) for two (2) years; penalties for late renewal
245 shall be ten percent (10%) per month that payment is delayed.
246 Additionally, if any of the information on the initial or any
247 subsequent renewal application changes for the corporation, firm
248 or partnership, said corporation, firm or partnership shall notify
249 the board in the form and manner prescribed by the board within
250 thirty (30) days of the change.

251 Effective January 1, 2005, the Secretary of State shall not
252 issue a certificate of incorporation, licensure or authorization
253 to an applicant or licensure as a foreign firm to a corporation,
254 firm or partnership which includes in its name, or among the
255 objectives for which it is established, any of the words,
256 "surveyor," "surveying" or any modification or derivation thereof,
257 unless the board has issued for said applicant a certificate of
258 authority or a letter indicating the eligibility of such applicant
259 to receive such a certificate. The corporation, firm or
260 partnership applying shall supply such certificate or letter from
261 the board with its application for incorporation, licensure or
262 authorization to the Secretary of State.

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



267 No such corporation, firm or partnership shall be relieved of
268 responsibility for the conduct or acts of its agents, employees,
269 officers, partners, members or managers by reason of its
270 compliance with the provisions of this section. No individual
271 practicing surveying under this chapter shall be relieved of
272 responsibility for surveying services performed by reason of
273 employment or other relationship with a firm holding an
274 authorization certificate.

275 **SECTION 6.** This act shall take effect and be in force from
276 and after July 1, 2019.

