

By: Representative Aguirre

To: Banking and Financial Services

HOUSE BILL NO. 1514

1 AN ACT TO AMEND SECTION 73-13-71, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF SURVEYING TO EXCLUDE WORK PRODUCTS  
3 THAT REPRESENT A GENERALIZED LOCATION UPON WHICH THE PUBLIC WOULD  
4 NOT REASONABLY RELY AS THE PRECISE LOCATION OF A FEATURE, OBJECT  
5 OR BOUNDARY AND THE TRANSCRIPTION OF PREVIOUSLY CREATED DATA INTO  
6 ANY PRESENTATION FORMAT IF THE DATA IS NOT INTENDED TO INDICATE  
7 THE AUTHORITATIVE LOCATION OF PROPERTY BOUNDARIES OR THE PRECISE  
8 DEFINITION OF THE SHAPE OF THE EARTH; TO AMEND SECTION 73-13-3,  
9 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND  
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 73-13-71, Mississippi Code of 1972, is  
13 amended as follows:

14 73-13-71. \* \* \* As used in Section 73-13-71 through  
15 73-13-105, the following terms shall have the following meanings,  
16 unless a different meaning clearly appears from the context:

17 (a) \* \* \* "Board \* \* \*" \* \* \* means the Board of  
18 Licensure for Professional Engineers and Surveyors as provided for  
19 in Section 73-13-5 \* \* \*.

20 ( \* \* \* b) \* \* \* "Professional surveyor \* \* \*" \* \* \*  
21 means a person who engages in the practice of surveying \* \* \*,  
22 whether in an individual capacity, or in behalf of or as an



23 employee of any state, county or municipal authority of the State  
24 of Mississippi.

25 ( \* \* \* c ) \* \* \* "Surveyor intern \* \* \*" \* \* \* means a  
26 candidate for licensure as a professional surveyor who has  
27 successfully passed the fundamentals of land surveying  
28 examination, has met the requirements of the board for enrollment,  
29 has received from the board a certificate stating that he has  
30 successfully passed this portion of the professional land  
31 surveying examinations and has been enrolled as a surveyor intern.

32 ( \* \* \* d ) (i) The practice of "surveying \* \* \*" \* \* \*  
33 means providing professional services such as consultation,  
34 investigation, testimony evaluation, expert technical testimony,  
35 planning, mapping, assembling and interpreting reliable scientific  
36 measurement and information relative to the location, size, shape  
37 or physical features of the earth, improvements on the earth, the  
38 space above the earth, or any part of the earth, utilization and  
39 development of these facts and interpretation into an orderly  
40 survey map, plan or report and in particular, the retracement of  
41 or the creating of land boundaries and descriptions of real  
42 property.

43 (ii) The practice of surveying includes, but is  
44 not limited to, any one or more of the following:

45 \* \* \* 1. Locating, relocating, establishing,  
46 reestablishing, laying out or retracing any property boundary or  
47 easement.



48                   \* \* \*2. Making any survey for the  
49 subdivision of any tract of land, including rights-of-way and  
50 easements.

51                   \* \* \*3. Determining, by the use of  
52 principles of surveying, the position for any survey monument or  
53 reference point; or setting, resetting or replacing any such  
54 monument or reference point, commonly known as control surveys.

55                   \* \* \*4. Creating, preparing or modifying  
56 electronic or computerized data, including land information  
57 systems and geographic information systems, relative to the  
58 performance of the activities in the above-described \* \* \* items  
59 ( \* \* \*1) through ( \* \* \*3).

60                   (iii) The practice of surveying does not include  
61 work products that represent only a generalized location of a  
62 feature, object or boundary upon which the public would not  
63 reasonably rely as the precise location of that feature, object or  
64 boundary, or the transcription of previously created data into any  
65 presentation format by manual or electronic means, and the  
66 maintenance thereof, provided that the data is clearly not  
67 intended to indicate the authoritative location of property  
68 boundaries, the precise definition of the shape or contour of the  
69 earth, or the precise location of fixed works of humans.

70                   **SECTION 2.** Section 73-13-3, Mississippi Code of 1972, is  
71 amended as follows:



72           73-13-3. The term "engineer" as used in Sections 73-13-1  
73 through 73-13-45 shall mean a professional engineer as hereinafter  
74 defined.

75           The term "professional engineer" within the meaning and  
76 intent of Sections 73-13-1 through 73-13-45 shall mean a person  
77 who has met the qualifications as required under Section  
78 73-13-23(1) and who has been issued a certificate of registration  
79 as a professional engineer.

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

85           The term "practice of engineering" within the meaning and  
86 intent of Sections 73-13-1 through 73-13-45 shall mean any service  
87 or creative work the adequate performance of which requires  
88 engineering education, training, and experience in the application  
89 of special knowledge of the mathematical, physical, and  
90 engineering sciences to such services or creative work as  
91 consultation, investigation, expert technical testimony  
92 evaluation, planning, design, and design coordination of  
93 engineering works and systems, planning the use of land, air and  
94 water, performing engineering surveys and studies, and the review  
95 of construction for the purpose of monitoring compliance with  
96 drawings and specifications; any of which embraces such



97 engineering services or work, either public or private, in  
98 connection with any utilities, water resources, structures,  
99 buildings, machines, equipment, processes, work systems, projects,  
100 communication systems, transportation systems, industrial or  
101 consumer products or equipment of control systems; or engineering  
102 services or work of a communications, mechanical, electrical,  
103 hydraulic, pneumatic, chemical, geotechnical (including geology  
104 and geohydrology incidental to the practice of engineering),  
105 geological, environmental, or thermal nature, insofar as they  
106 involve safeguarding life, health or property, and including such  
107 other professional services as may be necessary to the planning,  
108 progress and completion of any engineering services.

109         Design coordination includes the review and coordination of  
110 those technical submissions prepared by others, including as  
111 appropriate and without limitation, consulting engineers,  
112 surveyors, architects, landscape architects and other  
113 professionals working under direction of the engineer.

114         The term "firm," as used in Sections 73-13-1 through  
115 73-13-45, shall mean a business entity that offers the  
116 professional engineering or surveying services to the public of  
117 its licensed personnel who are either employees, officers,  
118 directors, partners, members or managers. A business entity may  
119 be formed as either:

- 120                 (a) A professional service corporation;  
121                 (b) A corporation;



122 (c) A partnership, including limited partnerships and  
123 limited liability partnerships; or

124 (d) A limited liability company.

125 Prior to any contract for or the provision of professional  
126 engineering or surveying services in this jurisdiction, a firm  
127 shall obtain a certificate of authority under Section 73-13-43 or  
128 Section 73-13-105 of this chapter. A sole proprietorship, owned  
129 and operated by a licensee under this chapter is not required to  
130 obtain a certificate of authority under Section 73-13-43 or  
131 Section 73-13-105. A professional association of licensed  
132 professional engineers or professional surveyors is not required  
133 to obtain a certificate of authority under Section 73-13-43 or  
134 Section 73-13-105. Both the licensed sole proprietor and the  
135 licensees within a professional association shall maintain their  
136 individual licenses in active status and only offer the  
137 professional services for which they are licensed and qualified to  
138 provide.

139 Engineering surveys include all survey activities required to  
140 support the sound conception, planning, design, construction,  
141 maintenance and operation of engineered projects but exclude the  
142 practice of surveying as defined in Section 73-13-71 \* \* \*.

143 A person or firm shall be construed to practice or offer to  
144 practice engineering within the meaning and intent of Sections  
145 73-13-1 through 73-13-45, who practices any branch of the  
146 profession of engineering; or provides, by verbal claim, sign,



147 advertisement, letterhead, card, or in any other way represents  
148 himself to be a professional engineer, or through the use of some  
149 other title implies that he is a professional engineer; or who  
150 holds himself out as able to perform or provide, or who does  
151 perform any engineering service or work or any other professional  
152 service designated by the practitioner or recognized by  
153 educational authorities as engineering.

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

157 **SECTION 3.** This act shall take effect and be in force from  
158 and after July 1, 2019.

