

By: Senator(s) Hill

To: Business and Financial
Institutions

SENATE BILL NO. 2496

1 AN ACT TO AMEND SECTION 73-13-71, MISSISSIPPI CODE OF 1972,
2 TO EXCLUDE CERTAIN ACTIVITIES FROM THE DEFINITION OF THE PRACTICE
3 OF SURVEYING; TO AMEND SECTION 73-13-3, MISSISSIPPI CODE OF 1972,
4 TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

8 73-13-71. As used in Sections 73-13-71 through 73-13-105,
9 the following terms shall have the following meanings, unless a
10 different meaning clearly appears from the context:

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

14 (* * * b) * * * "Professional surveyor * * *" * * *
15 means a person who engages in the practice of surveying * * *,
16 whether in an individual capacity, or in behalf of or as an
17 employee of any state, county or municipal authority of the State
18 of Mississippi.



19 (* * *c) * * * "Surveyor intern * * *" * * * means a
20 candidate for licensure as a professional surveyor who has
21 successfully passed the fundamentals of land surveying
22 examination, has met the requirements of the board for enrollment,
23 has received from the board a certificate stating that he has
24 successfully passed this portion of the professional land
25 surveying examinations and has been enrolled as a surveyor intern.

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

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

39 * * *1. Locating, relocating, establishing,
40 reestablishing, laying out or retracing any property boundary or
41 easement.



42 * * *2. Making any survey for the
43 subdivision of any tract of land, including rights-of-way and
44 easements.

45 * * *3. Determining, by the use of
46 principles of surveying, the position for any survey monument or
47 reference point; or setting, resetting or replacing any such
48 monument or reference point, commonly known as control surveys.

49 * * *4. Creating, preparing or modifying
50 electronic or computerized data, including land information
51 systems and geographic information systems, relative to the
52 performance of the activities in the above-described * * * items
53 1. through * * * 3.

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

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



66 73-13-3. The term "engineer" as used in Sections 73-13-1
67 through 73-13-45 shall mean a professional engineer as hereinafter
68 defined.

69 The term "professional engineer" within the meaning and
70 intent of Sections 73-13-1 through 73-13-45 shall mean a person
71 who has met the qualifications as required under Section
72 73-13-23(1) and who has been issued a certificate of registration
73 as a professional engineer.

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

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



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

103 Design coordination includes the review and coordination of
104 those technical submissions prepared by others, including as
105 appropriate and without limitation, consulting engineers,
106 surveyors, architects, landscape architects and other
107 professionals working under direction of the engineer.

108 The term "firm," as used in Sections 73-13-1 through
109 73-13-45, shall mean a business entity that offers the
110 professional engineering or surveying services to the public of
111 its licensed personnel who are either employees, officers,
112 directors, partners, members or managers. A business entity may
113 be formed as either:

- 114 (a) A professional service corporation;
115 (b) A corporation;



116 (c) A partnership, including limited partnerships and
117 limited liability partnerships; or

118 (d) A limited liability company.

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

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

137 A person or firm shall be construed to practice or offer to
138 practice engineering within the meaning and intent of Sections
139 73-13-1 through 73-13-45, who practices any branch of the
140 profession of engineering; or provides, by verbal claim, sign,



141 advertisement, letterhead, card, or in any other way represents
142 himself to be a professional engineer, or through the use of some
143 other title implies that he is a professional engineer; or who
144 holds himself out as able to perform or provide, or who does
145 perform any engineering service or work or any other professional
146 service designated by the practitioner or recognized by
147 educational authorities as engineering.

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

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

