

By: Representative Yancey

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 608

1 AN ACT TO AMEND SECTIONS 73-13-1, 73-13-3, 73-13-5, 73-13-7,
2 73-13-9, 73-13-11, 73-13-13, 73-13-15, 73-13-17, 73-13-19,
3 73-13-21, 73-13-23, 73-13-25, 73-13-27, 73-13-29, 73-13-31,
4 73-13-33, 73-13-35, 73-13-37, 73-13-39, 73-13-41, 73-13-43, AND
5 73-13-45, MISSISSIPPI CODE OF 1972, TO REVISE THE LICENSURE
6 PROVISIONS FOR ENGINEERS TO INCLUDE LICENSURE FOR LAND SURVEYORS;
7 TO INCLUDE DEFINITIONS RELATED TO SURVEYING; TO PROVIDE THE
8 MEMBERS OF THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND
9 SURVEYORS; TO PROVIDE THE TERMS OF OFFICE FOR THE NEWLY
10 CONSTITUTED BOARD SHALL BE SIX YEARS; TO REVISE THE QUALIFICATIONS
11 OF THE BOARD MEMBERS; TO PROVIDE THAT MEMBERS OF THE BOARD SHALL
12 HOLD FOUR QUARTERLY MEETINGS EACH YEAR, AND FAILURE TO ATTEND TWO
13 CONSECUTIVE QUARTERLY MEETINGS MAY RESULT IN REMOVAL FROM THE
14 BOARD; TO INCREASE THE APPLICATION FEES, THE RENEWAL FEES AND
15 CERTIFICATE OF AUTHORITY FEES FOR LICENSURE AS A PROFESSIONAL
16 ENGINEER OR PROFESSIONAL SURVEYOR; TO PROVIDE THAT A SOLE
17 PROPRIETORSHIP, OWNED AND OPERATED BY A LICENSEE, AND A
18 PROFESSIONAL ASSOCIATION OF LICENSED PROFESSIONAL ENGINEERS OR
19 LICENSED PROFESSIONAL SURVEYORS SHALL NOT BE REQUIRED TO OBTAIN A
20 CERTIFICATE OF AUTHORITY; TO CREATE NEW SECTION 73-13-47,
21 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A SURVEYOR MAY ENTER IN
22 OR UPON CERTAIN LANDS WITHOUT CRIMINAL LIABILITY FOR TRESPASS; TO
23 PROVIDE LIMITED CIVIL LIABILITY FOR THE SURVEYOR; TO CREATE NEW
24 SECTION 73-13-49, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
25 APPLICABILITY OF THE SECTIONS RELATED TO LICENSURE OF PROFESSIONAL
26 ENGINEERS AND PROFESSIONAL SURVEYORS AND THAT CERTAIN ACTIVITIES
27 SHALL NOT BE PREVENTED OR AFFECTED AS A RESULT OF THOSE SECTIONS;
28 TO REPEAL SECTIONS 73-13-71 THROUGH 73-13-105, MISSISSIPPI CODE OF
29 1972, WHICH PROVIDE FOR THE LICENSURE OF LAND SURVEYORS; TO AMEND
30 SECTIONS 19-27-1, 73-63-5, 85-7-401, 97-17-85, 97-17-93 AND
31 97-17-97, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
32 OF THIS ACT; AND FOR RELATED PURPOSES.

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



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

36 73-13-1. In order to safeguard life, health, and property,
37 and to promote the public welfare, any person or firm in either
38 public or private capacity practicing or offering to practice
39 engineering or surveying shall hereafter be required to submit
40 evidence that the person or firm is qualified so to practice
41 engineering or surveying and shall be licensed as hereinafter
42 provided; and it shall be unlawful for any person or firm to
43 practice or to offer to practice in this state, engineering or
44 surveying, as defined in the provisions of * * * this chapter, or
45 to use in connection with * * * their name or otherwise assume,
46 use, or advertise any title or description tending to convey the
47 impression that * * * they are a professional engineer or
48 professional surveyor, unless such person has been duly licensed
49 under the provisions of * * * this chapter. There is specifically
50 reserved to engineering graduates of all universities and colleges
51 accredited by a regional accrediting body that is recognized by
52 the United States Department of Education, the right to disclose
53 any college degrees received by such individuals and use the words
54 "graduate engineer" on * * * their stationery, business cards and
55 personal communications of any character.

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



58 73-13-3. The term "engineer" as used in * * * this chapter
59 shall mean a professional engineer as hereinafter defined.

60 The term "professional engineer" within the meaning and
61 intent of * * * this chapter shall mean a person who has met the
62 qualifications as required under * * * this chapter and who has
63 been issued a * * * license as a professional engineer.

64 The term "engineer intern" as used in * * * this chapter
65 shall mean a candidate for licensure as a professional engineer
66 who has met the qualifications as required under * * * this
67 chapter and who has been * * * enrolled as an engineer intern.

68 The term "practice of engineering" within the meaning and
69 intent of * * * this chapter shall mean any service or creative
70 work * * * requiring engineering * * * principles and the
71 interpretation of engineering data to engineering activities,
72 including the engineering design of buildings, structures,
73 products, machines, processes, and systems, that potentially
74 impact the health, safety, and welfare of the public.

75 The services may include, but not be limited to, providing
76 planning, studies, designs, design coordination, drawings,
77 specifications, and other technical submissions; teaching
78 engineering design courses; commissioning of engineered systems;
79 performing surveying that is incidental to the practice of
80 engineering; and reviewing construction or other design products
81 for the purposes of monitoring compliance with drawings and
82 specifications related to engineered works.



83 Surveying incidental to the practice of engineering excludes
84 the surveying of real property for the establishment or
85 determination of land boundaries, rights-of-way, easements, and
86 the dependent or independent surveys or resurveys of the public
87 land survey system and is limited to conducting field measurements
88 to supplement the documentation of existing conditions.

89 An individual shall be construed to practice engineering,
90 within the meaning and intent of this chapter, if the individual
91 does any of the following:

92 (a) Practices any discipline of the profession of
93 engineering or holds themselves out as able and entitled to
94 practice any discipline of engineering.

95 (b) Represents themselves to be a professional engineer
96 by verbal claim, sign, advertisement, letterhead, or card or in
97 any other way.

98 (c) Through the use of some other title, implies that
99 they are a professional engineer under this chapter.

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

105 The term "surveyor" as used in this chapter means a
106 professional surveyor as hereinafter defined.



The term "professional surveyor," within the meaning and intent of this chapter, shall mean a person who has met the qualifications as required under this chapter and who has been issued a license as a professional surveyor.

The term "surveyor intern," as used in this chapter, shall mean a candidate for licensure as required under this chapter and who has been enrolled as a surveyor intern.

The "practice of surveying," within the meaning and intent of this chapter, shall mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth and (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects. Professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

(a) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon;

(b) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth;



132 (c) Locating, relocating, establishing, reestablishing,
133 or retracing property lines or boundaries of any tract of land,
134 road, right-of-way, or easement or marking any such line on the
135 ground in a permanent or temporary manner;

136 (d) Making any survey for the division, subdivision, or
137 consolidation of any tract(s) of land;

138 (e) Locating or laying out alignments, positions, or
139 elevations for the construction of fixed works;

140 (f) Determining, by the use of principles of surveying,
141 the position for any survey monument (boundary or nonboundary) or
142 reference point; establishing or replacing any such monument or
143 reference point;

144 (g) Creating, preparing, or modifying electronic,
145 computerized, or other data, relative to the performance of the
146 activities in subparagraphs (a) through (f) of this paragraph.

147 An individual shall be construed to practice surveying,
148 within the meaning and intent of this chapter, if the individual
149 does any of the following:

150 (a) Engages in or holds themselves out as able and
151 entitled to practice surveying;

152 (b) Represents themselves to be a professional surveyor
153 by verbal claim, sign, advertisement, letterhead, or card or in
154 any other way;

155 (c) Through the use of some other title, implies that
156 they are a professional surveyor or licensed under this chapter.



The term "firm," as used in * * * this chapter, shall mean a business entity that offers the professional engineering or surveying services to the public of its licensed personnel who are either employees, officers, directors, partners, members or managers. A business entity may be formed as either:

(a) A professional service corporation;

(b) A corporation;

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

(d) A limited liability company.

* * *

The term "board" as used in * * * this chapter shall mean the Board of Licensure for Professional Engineers and Surveyors provided for by * * * this chapter.

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

73-13-5. A Board of Licensure for Professional Engineers and Surveyors is hereby created whose duty it shall be to administer the provisions of * * * this chapter. The board shall consist of six (6) licensed professional engineers, * * * and three (3) licensed professional surveyors, who are not licensed professional engineers, * * * all of whom shall have the qualifications required by * * * this chapter. The members of the board shall be appointed * * * by the Governor from list of nominees as described below, if provided. State surveying societies or associations may



provide surveyor nominees to the Governor for consideration no less than ninety (90) days before the expiration of a board member's term. State engineering societies or councils that are affiliated with national organizations may provide engineer nominees to the Governor for consideration no less than ninety (90) days before the expiration of a board member's term. The board so appointed shall have two (2) engineer members and one (1) surveyor member from each of the three (3) state Supreme Court districts, designated by district, * * * and shall serve for * * * six (6) years, or until their successors are duly appointed and qualified.

The first Supreme Court District engineer members shall be designated as Post 1 and Post 4, and the survey member shall be designated as Post 7. The second Supreme Court District engineer members shall be designated as Post 2 and Post 5, and the survey member shall be designated as Post 8. The third Supreme Court District engineer members shall be designated as Post 3 and Post 6, and the surveyor member shall be designated as Post 9.

The initial appointments and terms of office shall be made as follows:

Posts 1, 2 and 9 shall be appointed for six (6) year terms that begin on July 1, 2026.

Posts 3, 4 and 8 shall be appointed for six (6) year terms that begin on July 1, 2028.



206 Posts 5, 6 and 7 shall be appointed for six (6) year terms
207 that begin on July 1, 2030.

208 At the expiration of their term, members of the board shall
209 be appointed by the Governor in the manner prescribed in this
210 chapter for terms of six (6) years from the expiration date of the
211 previous term.

212 * * * Each member of the board shall receive a * * *
213 commission from the Governor, and before beginning * * * their
214 term of office * * * they shall file with the Secretary of State
215 the constitutional oath of office. On the expiration of the term
216 of any member, the Governor shall in the manner herein provided
217 appoint for a term of * * * six (6) years a licensed professional
218 engineer or a licensed professional surveyor having the
219 qualifications required by * * * this chapter to take the place of
220 the member of the board whose term is about to expire. Each
221 member shall hold office until the expiration of the term for
222 which such member is appointed or until a successor shall have
223 been duly appointed and shall have qualified.

224 * * *

225 Any vacancy on the board prior to the expiration of a term
226 for any reason, including resignation, removal, disqualification,
227 death or disability, shall be filled by appointment of the
228 Governor in the manner prescribed in this * * * chapter for the
229 balance of the unexpired term. The * * * Governor shall fill such
230 vacancies within ninety (90) days after each such vacancy occurs.



231 It shall not be considered the duty of the State of
232 Mississippi to provide office space and office equipment for the
233 board herein created.

234 No member of the board shall, during the term of * * * their
235 office or thereafter, be required to defend any action for damages
236 in any of the courts of this state where it is shown that said
237 damage followed or resulted from any of the official acts of said
238 board in the performance of its powers, duties or authority as set
239 forth in this chapter. Any such action filed shall upon motion be
240 dismissed, at the cost of the plaintiff, with prejudice.

241 **SECTION 4.** Section 73-13-7, Mississippi Code of 1972, is
242 amended as follows:

243 73-13-7. Each member of the board shall be a citizen of the
244 United States and shall have been a resident of the state for at
245 least five (5) years prior to the appointment. * * * They shall
246 be at least * * * thirty-five (35) years of age, shall have been
247 engaged as a licensed professional in the practice of engineering
248 or surveying, as the case may be, for at least ten (10) years and
249 shall have been in responsible charge of important engineering or
250 surveying work, as the case may be, for at least five (5) years,
251 and shall not have been subject to disciplinary action as
252 described in this chapter for the previous ten (10) years. Each
253 year of teaching engineering or surveying in a school or college
254 shall be equivalent to a year of responsible charge of engineering
255 or surveying work. Not more than two (2) members of the board at



any time may be teachers of engineering in the universities or colleges of the state. All members of the board shall be licensed professional engineers or licensed professional surveyors, as the case may be.

SECTION 5. Section 73-13-9, Mississippi Code of 1972, is amended as follows:

73-13-9. Each member of the board shall receive per diem in accordance with Section 25-3-69 when actually attending to the work of the board or any of its committees, and shall be reimbursed for traveling expenses in accordance with Section 25-3-41 in carrying out the provisions of * * * this chapter.

SECTION 6. Section 73-13-11, Mississippi Code of 1972, is amended as follows:

73-13-11. The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, failure to attend two (2) consecutive quarterly meetings, or for any other sufficient cause. * * *

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

73-13-13. The board shall hold at least * * * four (4) regular quarterly meetings each year * * *. Special meetings shall be held at such time as the regulations of the board may provide. Notice of all meetings shall be given in such manner as the regulations of the board may provide. The board shall elect annually, at a regular or special meeting, the following officers:



a president, a vice president, and a secretary. A quorum of the board shall consist of not less than five (5) members.

SECTION 8. 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;
- (g) Provide for the enforcement of and to enforce the laws of the State of Mississippi and, in particular, the



provisions of this chapter, and the bylaws, rules and regulations of the board;

(h) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for taking the disciplinary actions provided for in * * * this chapter, including the imposition of fines as provided therein;

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

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

(k) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for the annual and/or biennial renewal of * * * licenses.

In carrying into effect the provisions of * * * this chapter, the board, under the hand of its president or secretary and the seal of the board may subpoena witnesses and compel their attendance, and also may require the production of * * * records and data in any case involving the disciplinary actions provided for in * * * this chapter or practicing or offering to practice without licensure. Any 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 * * * records or data, 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 * * * their attendance before such authority and there to testify or to produce such * * * records and data, 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.

The Mississippi Board of Licensure for Professional Engineers and Surveyors is hereby authorized and empowered to examine applicants for licensure to practice surveying; to license all applicants whom it deems qualified to practice surveying in accordance with this chapter; and to revoke licenses for just cause as provided for in this chapter.

SECTION 9. Section 73-13-17, Mississippi Code of 1972, is amended as follows:

73-13-17. (1) The board shall keep an account of all monies derived from the operation of * * * this chapter. All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of * * * this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund



355 agencies, and disbursements from the special fund shall be made by
356 the State Treasurer only upon warrants issued by the State Fiscal
357 Officer upon requisitions signed by the executive director of the
358 board and countersigned by the secretary of the board. Any
359 interest earned on this special fund shall be credited by the
360 State Treasurer to the fund and shall not be paid into the State
361 General Fund. Any unexpended monies remaining in the special fund
362 at the end of a fiscal year shall not lapse into the State General
363 Fund. The State Auditor shall audit the financial affairs of the
364 board and the transactions involving the special fund at least
365 once a year in the same manner as for other special fund agencies.

366 (2) The executive director and the secretary of the board
367 shall give a surety bond satisfactory to the other members of the
368 board, conditioned upon the faithful performance of their duties.
369 The premium on said bond shall be regarded as a proper and
370 necessary expense of the board. When any member of the board or
371 any employee thereof is engaged on business of the board away from
372 the principal office of the board, * * * they shall be entitled to
373 receive expenses as authorized in Section 25-3-41, and members of
374 the board shall be entitled to per diem in an amount not to exceed
375 that authorized in Section 25-3-69, all as approved by the board.

376 (3) The board shall employ an executive director and may
377 employ such clerical or other assistants as are necessary for the
378 proper performance of its work, and may make expenditures for any



purpose which in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter.

SECTION 10. Section 73-13-19, Mississippi Code of 1972, is amended as follows:

73-13-19. The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show (a) the name, age and residence of such applicant, (b) the date of the application, (c) the place of business of such applicant, (d) * * * their educational and other qualifications, (e) whether or not an examination was required, (f) whether the applicant was rejected, (g) whether a * * * license was granted, (h) the date of the action of the board, and (i) such other information as may be deemed necessary by the board.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, on or before March 15, the board shall submit to the Governor a report of its transactions of the preceding year, and shall file with the Secretary of State a copy of such report of the board, attested by affidavits of its president and its secretary.

SECTION 11. Section 73-13-21, Mississippi Code of 1972, is amended as follows:



73-13-21. A roster showing the names and places of business or residence of all licensed professional engineers and licensed professional surveyors and licensed firms shall be * * * maintained by the board.

SECTION 12. Section 73-13-23, Mississippi Code of 1972, is amended as follows:

73-13-23. (1) (a) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

Graduation in an engineering curriculum of four (4) years or more from a school or college approved by the board as of satisfactory standing or graduation in an engineering, engineering technology, or related science curriculum of four (4) scholastic years from a school or college other than those approved by the board plus a graduate degree in an engineering curriculum from a school or college wherein the same engineering curriculum at the undergraduate level is approved by the board as of satisfactory standing; a specific record of four (4) years of qualifying engineering experience indicating that the applicant is competent to practice engineering (in counting years of experience, the board at its discretion may give credit not in excess of three (3) years for satisfactory graduate study in engineering), and the successful passing of examinations in engineering as prescribed by the board.



428 (b) In considering the qualifications of applicants,
429 engineering teaching may be construed as engineering experience.

430 (c) The mere execution, as a contractor, of work
431 designed by a professional engineer, or the supervision of the
432 construction of such work as a foreman or superintendent shall not
433 be deemed to be the practice of engineering.

434 (d) Any person having the necessary qualifications
435 prescribed in * * * this chapter to entitle * * * them to
436 licensure shall be eligible for such licensure although * * * they
437 may not be practicing * * * their profession at the time of
438 making * * * their application.

439 (e) No person shall be eligible for licensure as a
440 professional engineer who is not of good character and reputation,
441 as defined in the board's Code of Professional Conduct, or who
442 presents claims in support of * * * their application which
443 contain major discrepancies.

444 (2) The following shall be considered as minimum evidence
445 satisfactory to the board that the applicant is qualified for
446 enrollment as an engineer intern:

447 (a) Graduation in an engineering curriculum of four (4)
448 scholastic years or more from a school or college approved by the
449 board as of satisfactory standing or graduation in an engineering,
450 engineering technology, or related science curriculum of four (4)
451 scholastic years from a school or college other than those
452 approved by the board plus a graduate degree in an engineering



curriculum from a school or college wherein that same engineering curriculum at the undergraduate level is approved by the board as of satisfactory standing; and

(b) Successfully passing a written examination in the fundamental engineering subjects.

(3) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional surveyor:

(a) (i) A bachelor's degree in geomatics, surveying or surveying technology approved by the board consisting of a minimum of one hundred twenty (120) semester hours, or the equivalent, in surveying curriculum subjects and a specific record of four (4) years of qualifying surveying experience; or

(ii) A bachelor's degree in a related science curriculum defined by board rule, consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule, and a specific record of five (5) years of qualifying surveying experience; or

(iii) A bachelor's degree in a related science curriculum defined by board rule, and a specific record of six (6) years of qualifying surveying experience; or

(iv) An associate degree, or its equivalent, in a curriculum approved by the board consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by



board rule, and a specific record of seven (7) years or more of
qualifying surveying experience; or

(v) A high school diploma, or its equivalent, and
a specific record of twelve (12) years or more of qualifying
surveying experience; and

(b) Successfully passing examinations in surveying
prescribed by the board.

(4) The following shall be considered as minimum evidence
satisfactory to the board that the applicant is qualified for
enrollment as a surveyor intern:

(a) (i) A bachelor's degree in geomatics, surveying or
surveying technology approved by the board consisting of a minimum
of one hundred twenty (120) semester hours, or the equivalent, in
surveying curriculum subjects; or

(ii) A bachelor's degree in a related science
curriculum defined by board rule consisting of sixty-two (62)
semester hours in surveying curriculum subjects as defined by
board rule; or

(iii) A bachelor's degree in a related science
curriculum defined by board rule; or

(iv) An associate degree, or its equivalent, in a
curriculum approved by the board consisting of sixty-two (62)
semester hours in surveying curriculum subjects as defined by
board rule; or



501 (v) A high school diploma, or its equivalent, and
502 a specific record of eight (8) years or more of qualifying
503 surveying experience; and

504 (b) Successfully passing examinations in surveying
505 fundamentals prescribed by the board.

506 (5) No person shall be eligible for licensure as a
507 professional surveyor who is not of good character and reputation,
508 as defined in the board's Code of Professional Conduct.

509 **SECTION 13.** Section 73-13-25, Mississippi Code of 1972, is
510 amended as follows:

511 73-13-25. Applications for enrollment as an engineer
512 intern * * *, surveyor intern, licensure as a professional
513 engineer, or licensure as a professional surveyor shall be on the
514 forms prescribed and furnished by the board, shall contain
515 statements made under oath, showing the applicant's education and
516 detailed summary of the applicant's qualifying experience.
517 Applications for licensure or relicensure as a professional
518 engineer shall also contain not less than five (5) references, of
519 whom three (3) or more shall be engineers having personal
520 knowledge of the applicant's engineering experience. Application
521 for licensure or relicensure as a professional surveyor shall also
522 contain not less than five (5) references, of whom three (3) or
523 more shall be professional surveyors having personal knowledge of
524 the applicant's surveying experience.



The application fee for licensure as a professional engineer or professional surveyor shall be determined by the board but shall not exceed * * * One Hundred Fifty Dollars (\$150.00), which fee shall accompany the application.

The application fee for enrollment as an engineer intern or surveyor intern shall be determined by the board but shall not exceed * * * Fifty Dollars (\$50.00), which fee shall accompany the application. Whenever an applicant is cited to an examination or reexamination, an additional fee equal to the actual cost of the examination shall be paid by the applicant.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 14. Section 73-13-27, Mississippi Code of 1972, is amended as follows:

73-13-27. Examinations shall be required for enrollment as an engineer intern * * *, surveyor intern, licensure as a professional engineer, or licensure as a professional surveyor. The examinations shall be held at such time and place as the board may determine.

The scope of the engineering examinations and the methods and procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to * * * ensure the safety of life, health and property.



550 The scope of the surveying examinations and the methods and
551 procedure shall be prescribed by the board with special reference
552 to the applicant's ability to exercise direct control and personal
553 supervision of all surveying functions.

554 The board shall cite applicants to examinations in accordance
555 with its rules and regulations.

556 **SECTION 15.** Section 73-13-29, Mississippi Code of 1972, is
557 amended as follows:

558 73-13-29. The board shall issue a * * * license and shall
559 provide a certificate of licensure upon payment of licensure fee
560 as provided for in * * * this chapter, to any applicant who, in
561 the opinion of the board, has satisfactorily met all the
562 requirements of * * * this chapter. In the case of a licensed
563 engineer, the * * * license shall authorize the "practice of
564 engineering." In the case of an engineer intern, * * * a
565 certificate of enrollment shall be provided, and it shall state
566 that the applicant has successfully passed the examination in
567 fundamental engineering subjects required by the board and has
568 been enrolled as an "engineer intern." In the case of licensed
569 professional surveyors, the license shall authorize the "practice
570 of surveying." In the case of a surveyor intern, the certificate
571 shall state that the applicant has successfully passed the
572 examination in fundamental surveying subjects required by the
573 board and has been enrolled as a "surveyor intern." Certificates
574 shall show the full name, shall have a * * * license or enrollment



number, and shall be signed by the president and the secretary of the board under seal of the board.

The issuance of a * * * license by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a * * * licensed professional engineer or a licensed professional surveyor while the said * * * license remains unrevoked or unexpired.

Before engaging in the practice of the * * * engineering or surveying, each licensee hereunder shall upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name and the legend, "Licensed Professional Engineer" or "Licensed Professional Surveyor." Each person licensed as a professional engineer, who is also licensed as a professional surveyor, may also obtain a seal bearing the licensee's name and the legend "Professional Engineer and Professional Surveyor."

Plans, specifications and reports prepared by a * * * licensed engineer shall be stamped with the seal * * *, but it shall be unlawful for anyone to stamp or seal any documents with the seal after the * * * license is expired or revoked, or while the * * * license is suspended. It shall be unlawful for anyone other than the licensee to whom the seal has been issued to stamp or seal any document utilizing such seal.

Plats, maps and reports prepared by a licensed surveyor shall be stamped with the seal during the life of the licensee's license, but it shall be unlawful for anyone to stamp or seal any



documents with the seal after the license of the licensee named
thereon has expired or been revoked or suspended. It shall be
unlawful for anyone other than the licensee to whom the seal has
been issued to stamp or seal any documents utilizing such seal.

SECTION 16. Section 73-13-31, Mississippi Code of 1972, is
amended as follows:

73-13-31. * * * Licenses shall expire on the last day of the
month of December following their issuance or at the end of their
renewal period and shall become invalid on that date unless
renewed. It shall be the duty of the board to notify every person
licensed under this chapter of the date of the expiration of * * *
the license and the amount of the fee that shall be required for
its renewal for one (1) year or two (2) years. Such notice shall
occur at least one (1) month in advance of the date of the
expiration of said * * * license. Renewal may be effected at any
time during the month of December by the payment of a fee, as
determined by the board, not to exceed * * * One Hundred Dollars
(\$100.00) or * * * Two Hundred Dollars (\$200.00) if renewals are
for two (2) years. A person who is licensed as a professional
engineer and as a professional surveyor may effect both renewals
by the payment of a fee not to exceed * * * One Hundred Fifty
Dollars (\$150.00), or * * * Three Hundred Dollars (\$300.00) if
renewals are for two (2) years. The failure on the part of any
licensee to renew * * * their license 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 * * * license after the month of December shall be increased ten percent (10%) for each month, or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee. A state agency or any of the state's political subdivisions, such as a county or municipality, may pay the renewal fee of any licensee who is a full-time employee; provided, however, that any licensee who permits * * * their renewal fee to be paid from any public funds shall not perform engineering or surveying services for a fee or other emoluments for the public or for any other public entity.

If a * * * license 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 a license has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination may be required.

SECTION 17. Section 73-13-33, Mississippi Code of 1972, is amended as follows:

73-13-33. All professional engineers, licensed in accordance with the provisions of Chapter 56 of the Laws of Mississippi of 1928, Extraordinary Session, and as amended under Senate Bill No. 383, Chapter 131, Laws of 1940, and whose certificates of



650 licensure are in effect at the time of passage of * * * this
651 chapter, shall be entitled to all the rights and privileges of a
652 licensed professional engineer as provided for in those sections,
653 while the said certificate remains unrevoked or unexpired.

654 **SECTION 18.** Section 73-13-35, Mississippi Code of 1972, is
655 amended as follows:

656 73-13-35. The board may, upon application therefor and the
657 payment of a fee in accordance with * * * this chapter, issue
658 a * * * license as a professional engineer or a professional
659 surveyor to any person who holds a * * * license issued to * * *
660 them by proper authority of any state or territory or possession
661 of the United States, or of any country, provided that the
662 applicant's qualifications meet the requirements of * * * this
663 chapter and the rules established by the board. The issuance of
664 a * * * license by reciprocity to a military-trained applicant,
665 military spouse or person who establishes residence in this state
666 shall be subject to the provisions of Section 73-50-1 or 73-50-2,
667 as applicable.

668 **SECTION 19.** Section 73-13-37, Mississippi Code of 1972, is
669 amended as follows:

670 73-13-37. (1) The board, upon satisfactory proof and in
671 accordance with the provisions of this chapter and the
672 implementing regulations of the board pertaining thereto, is
673 authorized to take the disciplinary actions provided for
674 hereinafter against any person or firm practicing engineering or



675 surveying, including * * * nonlicensees, for any of the following
676 reasons:

677 (a) Violating any of the provisions of * * * this
678 chapter or the implementing bylaws, rules, regulations, or
679 standards of ethics or conduct duly adopted and promulgated by the
680 board pertaining to the practice of engineering or the practice of
681 surveying;

682 (b) Fraud, deceit or misrepresentation in obtaining
683 a * * * license;

684 (c) Gross negligence, malpractice or incompetency;

685 (d) Any professional misconduct, as defined by the
686 board through bylaws, rules and regulations, and standards of
687 conduct and ethics;

688 (e) Practicing or offering to practice engineering or
689 surveying on an expired * * * license or while under suspension or
690 revocation of * * * license unless said suspension or revocation
691 be abated through probation, as provided for hereinafter; or

692 (f) Addiction to or dependence on alcohol or other
693 habit-forming drugs or being an habitual user of alcohol,
694 narcotics, barbiturates, amphetamines, hallucinogens, or other
695 drugs having similar effect.

696 (2) Any person may prefer charges against any other person
697 practicing engineering or surveying, including nonlicensees, for
698 committing any of the acts set forth in subsection (1). Such



charges shall be sworn to, either upon actual knowledge or upon information and belief, and shall be filed with the board. * * *

The board shall investigate all charges filed with it and, upon finding reasonable cause to believe that the charges are not frivolous, unfounded or filed in bad faith, may, in its discretion, cause a hearing to be held, at a time and place fixed by the board, regarding the charges and may compel the accused by subpoena to appear before the board to respond to said charges.

No disciplinary action taken hereunder may be taken until the accused has been furnished both a statement of the charges against * * * them and notice of the time and place of the hearing thereof, which shall be personally served on or mailed by registered or certified mail, return receipt requested, to the last-known business or residence address of the accused not less than thirty (30) days prior to the date fixed for the hearing.

Notice on a firm shall be had by notice on the principal or officer designated by the firm as having management or supervision of the engineering/surveying practice, or on the registered agent in the case of a corporation not domiciled in Mississippi.

(3) At any hearing held hereunder, the board shall have the power to subpoena witnesses and compel their attendance and may also require the production of * * * records and data, as provided elsewhere in this chapter. The board is authorized to designate or secure a hearing officer to conduct the hearing. All evidence shall be presented under oath, which may be administered by any



724 member of the board, and thereafter the proceedings may, if
725 necessary, be transcribed in full by the court reporter and filed
726 as part of the record in the case. Copies of such transcriptions
727 may be provided to any party to the proceedings at a cost to be
728 fixed by the board.

729 All witnesses who shall be subpoenaed and who shall appear in
730 any proceedings before the board shall receive the same fees and
731 mileage as allowed by law in judicial civil proceedings, and all
732 such fees shall be taxed as part of the costs in the case.

733 Where in any proceeding before the board any witness shall
734 fail or refuse to attend upon subpoena issued by the board, shall
735 refuse to testify or shall refuse to produce any * * * records and
736 data, the production of which is called for by the subpoena, the
737 attendance of such witness and the giving of * * * their testimony
738 and the production of the * * * records and data shall be enforced
739 by any court of competent jurisdiction of this state in the manner
740 provided for the enforcement of attendance and testimony of
741 witnesses in civil cases in the courts of this state.

742 The accused shall have the right to be present at the hearing
743 in person, by counsel or other representative, or both. The board
744 is authorized to continue or recess the hearing as may be
745 necessary.

746 (4) At the conclusion of the hearing, the board may either
747 decide the issue at that time or take the case under advisement
748 for further deliberation. The board shall render its decision not



749 more than ninety (90) days after the close of the hearing, and
750 shall forward to the last-known business or residence address of
751 the accused, by certified or registered mail, return receipt
752 requested, a written statement of the decision of the board.

753 If a majority of the board finds the accused guilty of the
754 charges filed, the board may: (a) issue a public or private
755 reprimand; (b) require the guilty party to complete a course or
756 courses, approved by the board, in ethics or other appropriate
757 subjects; (c) suspend or revoke the * * * license of the accused,
758 if the accused is a licensee; and/or (d) in lieu of or in addition
759 to such reprimand, course completion, suspension or revocation,
760 assess and levy upon the guilty party a monetary penalty of not
761 less than One Hundred Dollars (\$100.00) nor more than Five
762 Thousand Dollars (\$5,000.00) for each violation.

763 (5) A monetary penalty assessed and levied under this
764 section shall be paid to the board upon the expiration of the
765 period allowed for appeal of such penalties under this * * *
766 chapter, or may be paid sooner if the guilty party elects. Money
767 collected by the board under this section shall be deposited to
768 the credit of the board's special fund in the State Treasury.

769 When payment of a monetary penalty assessed and levied by the
770 board in accordance with this section is not paid when due, the
771 board shall have the power to institute and maintain proceedings
772 in its name for enforcement of payment in the chancery court of
773 the county and judicial district of residence of the guilty party



and if the guilty party be a nonresident of the State of Mississippi, such proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(6) When the board has taken a disciplinary action under this * * * chapter, the board may, in its discretion, stay such action and place the guilty party on probation for a period not to exceed one (1) year upon the condition that the guilty party shall not further violate either the laws of the State of Mississippi pertaining to the practice of engineering or the practice of surveying or the bylaws, rules and regulations, or standards of conduct and ethics promulgated by the board.

(7) The board, in its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted under this section against either the accused, the charging party, or both, as it may elect.

(8) The power and authority of the board to assess and levy the monetary penalties provided for in this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(9) The board, for sufficient cause, may reissue a revoked * * * license or authority whenever a majority of the board members vote to do so.

(10) Any person or firm aggrieved by an action of the board denying or revoking * * * their license or authority or



799 relicensure as a professional engineer or professional surveyor
800 or * * * their enrollment as an engineer intern or surveyor
801 intern, or who is aggrieved by the action of the board as a result
802 of disciplinary proceedings conducted under this section may
803 appeal therefrom to the chancery court of either the county
804 wherein the appellant resides or the Chancery Court of the First
805 Judicial District of Hinds County, at the election of the
806 appellant. If the appellant is a nonresident of this state, the
807 appeal shall be made to the Chancery Court of the First Judicial
808 District of Hinds County. Such appeal shall be perfected before
809 the board by the filing with the board of a notice of appeal to
810 the chancery court. The court shall require a bond in an amount
811 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay
812 all costs which may be adjudged against the appellant. The notice
813 of appeal shall be filed not later than thirty (30) days after the
814 decision of the board is forwarded to the guilty party, as
815 provided hereinabove.

816 All appeals perfected hereunder shall not act as a
817 supersedeas, and shall be made to the chancery court solely upon
818 the record made before the board during the disciplinary hearing.
819 When the appeal shall have been properly perfected as provided
820 herein, the board shall cause the record of the proceedings
821 conducted before it to be compiled, certified and filed with the
822 chancery court. The briefing schedule shall be the same as for
823 appeals to the Supreme Court. The chancery court shall be



824 required to rule on the case within sixty (60) days of the close
825 of briefing. All procedures and penalties provided for in this
826 section shall apply to nonlicensees as well as licensees.

827 (11) In addition to the reasons specified in subsection (1)
828 of this section, the board shall be authorized to suspend
829 the * * * license of any person for being out of compliance with
830 an order for support, as defined in Section 93-11-153. The
831 procedure for suspension of a * * * license for being out of
832 compliance with an order for support, and the procedure for the
833 reissuance or reinstatement of a * * * license suspended for that
834 purpose, and the payment of any fees for the reissuance or
835 reinstatement of a * * * license suspended for that purpose, shall
836 be governed by Section 93-11-157 or 93-11-163, as the case may be.
837 Actions taken by the board in suspending a * * * license when
838 required by Section 93-11-157 or 93-11-163 are not actions from
839 which an appeal may be taken under this section. Any appeal of a
840 suspension of a * * * license that is required by Section
841 93-11-157 or 93-11-163 shall be taken in accordance with the
842 appeal procedure specified in Section 93-11-157 or 93-11-163, as
843 the case may be, rather than the procedure specified in this
844 section. If there is any conflict between any provision of
845 Section 93-11-157 or 93-11-163 and any provision of this chapter,
846 the provisions of Section 93-11-157 or 93-11-163, as the case may
847 be, shall control.



(12) Any board member whose objectivity in a disciplinary proceeding is impaired shall either recuse * * * themselves from sitting as a member of the board in a formal disciplinary hearing in that proceeding or be disqualified therefrom. In the event a disciplinary proceeding is brought against a member or former member of the board, no member of the board who has served concurrently with the respondent in the disciplinary proceeding shall sit as a member of the board in a formal disciplinary hearing in that proceeding. If, after recusal or disqualification of board members as provided herein, there does not remain a quorum of the board to sit for a disciplinary hearing, the board shall have the power to select, in accordance with duly promulgated regulations of the board, substitute panel members from slates of candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve the number of panel members equivalent to a quorum of the board. Substitute panel members must meet the qualifications of board members as provided in * * * this chapter and shall receive compensation as provided for board members in * * * this chapter.

SECTION 20. Section 73-13-39, Mississippi Code of 1972, is amended as follows:

73-13-39. Any person or firm who shall practice, or offer to practice, engineering or surveying in this state without being licensed in accordance with the provisions of * * * this chapter,



873 or any person presenting or attempting to use as * * * their own
874 the * * * license or seal of another, or any person who shall give
875 any false or forged evidence of any kind to the board or to any
876 member thereof in obtaining a * * * license, or any person who
877 shall falsely impersonate any other licensee of like or different
878 name, or any person or firm who shall attempt to use an expired or
879 revoked * * * license, or any person or firm who shall violate any
880 of the provisions of * * * this chapter, shall be guilty of a
881 misdemeanor, and shall, upon conviction, be sentenced to pay a
882 fine of not less than One Hundred Dollars (\$100.00), nor more than
883 Five Thousand Dollars (\$5,000.00) in addition to reimbursement of
884 investigative expenses and court costs, or suffer imprisonment for
885 a period not exceeding three (3) months, or both. The criminal
886 penalties provided for in this section may be assessed in addition
887 to those civil penalties provided for in * * * this chapter.

888 Unless licensed in accordance with the provisions of * * *
889 this chapter, no person shall:

890 (a) Directly or indirectly employ, use, cause to be
891 used or make use of any of the following terms or any
892 combinations, variations or abbreviations thereof as a
893 professional, business or commercial identification, title, name,
894 representation, claim, asset or means of advantage or benefit:
895 "engineer," "professional engineer," "licensed engineer,"
896 "registered engineer," "registered professional engineer,"
897 "licensed professional engineer," "engineered," "engineering,"



898 "surveyor," "professional surveyor," "licensed surveyor,"
899 "registered surveyor," "registered professional surveyor,"
900 "licensed professional surveyor," "surveyed," "surveying,"
901 "professional land surveyor," or "licensed professional land
902 surveyor"; or

903 (b) Directly or indirectly employ, use, cause to be
904 used or make use of any letter, abbreviation, word, symbol,
905 slogan, sign or any combinations or variations thereof which in
906 any manner whatsoever tends or is likely to create any impression
907 with the public or any member thereof that any person is qualified
908 or authorized to practice engineering or to practice surveying; or

909 (c) Receive any fee or compensation or the promise of
910 any fee or compensation for performing, offering or attempting to
911 perform any service, work, act or thing which is any part of the
912 practice of engineering or the practice of surveying.

913 Any person, firm, partnership, association or corporation
914 which shall do, offer or attempt to do any one or more of the acts
915 or things set forth in * * * paragraphs (a) through (c) of the
916 preceding paragraph shall be conclusively presumed and regarded as
917 engaged in the practice of engineering or the practice of
918 surveying.

919 It shall be the duty of all duly constituted officers of the
920 law of this state, or any political subdivision thereof, to
921 enforce the provisions of * * * this chapter and to prosecute any
922 persons violating same. Except as otherwise authorized in Section



7-5-39, the Attorney General of the state or * * * their assistant shall act as legal advisor of the board in carrying out the provisions of * * * this chapter.

SECTION 21. Section 73-13-41, Mississippi Code of 1972, is amended as follows:

73-13-41. * * * Any person who may feel aggrieved by an action of the board denying or revoking their license or relicensure as a professional engineer, professional surveyor, enrollment as a professional engineer or enrollment as surveyor intern may appeal therefrom to the chancery court of the county of residence of such person and, after full hearing, the court shall make such order sustaining or reversing the action of the board as it may seem just and proper. However, in case of a nonresident licensee or applicant, such appeal shall be taken or made to the Chancery Court of the First Judicial District of Hinds County, Mississippi.

Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a license that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

SECTION 22. Section 73-13-43, Mississippi Code of 1972, is amended as follows:



73-13-43. * * * No corporation, firm or partnership may engage in the practice of professional engineering or 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 * * * an engineering 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.

In order to qualify for a surveying 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.

A sole proprietorship, owned and operated by a licensee under this chapter shall not be required to obtain a certificate of authority. A professional association of licensed professional engineers or licensed professional surveyors shall not be required to obtain a certificate of authority. Both the licensed sole proprietor and the licensees within a professional association shall maintain their individual licenses in active status and only



972 offer the professional service for which they are licensed and
973 qualified to provide.

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

979 Applications for a certificate of authority shall be on the
980 forms prescribed and furnished by the board, and provide all the
981 information required by said board. The board shall establish a
982 fee for the certificate of authority application, not to
983 exceed * * * Three Hundred Fifty Dollars (\$350.00) for a one-year
984 certificate or * * * Seven Hundred Dollars (\$700.00) for a
985 two-year certificate. Any corporation, firm or partnership having
986 the necessary qualifications as prescribed herein and the rules
987 and regulations of the board shall be issued a certificate of
988 authority for said corporation, firm or partnership to practice
989 engineering or surveying and to contract and collect fees for
990 furnishing this service.

991 Each certificate of * * * authority will expire on December
992 31 of the end of the renewal period year. It shall be the duty of
993 the board to notify every corporation, firm or partnership holding
994 a certificate of authority under * * * this chapter of the date of
995 the expiration of the certificate and the amount of the fee that
996 shall be required for its renewal for one (1) year or two (2)



997 years. The renewal fee shall not exceed * * * Three Hundred Fifty
998 Dollars (\$350.00) for one (1) year or * * * Seven Hundred Dollars
999 (\$700.00) for two (2) years; penalties for late renewal shall be
1000 ten percent (10%) per month that payment is delayed.

1001 Additionally, if any of the information on the initial or any
1002 subsequent renewal application changes for the corporation, firm
1003 or partnership, said corporation, firm or partnership shall notify
1004 the board in the form and manner prescribed by the board within
1005 thirty (30) days of the change.

1006 * * * The Secretary of State shall not issue a certificate
1007 of incorporation, licensure or authorization to an applicant or
1008 licensure as a foreign firm to a corporation, firm or partnership
1009 which includes in its name, or among the objectives for which it
1010 is established, any of the words, "engineer," "engineering,"
1011 "surveyor," "surveying," or any modification or derivation
1012 thereof, unless the board has issued for said applicant a
1013 certificate of authority or a letter indicating the eligibility of
1014 such applicant to receive such a certificate. The corporation,
1015 firm or partnership applying shall supply such certificate or
1016 letter from the board with its application for incorporation,
1017 licensure or authorization to the Secretary of State.

1018 An engineer or surveyor who renders occasional, part-time or
1019 consulting engineering services to or for a corporation, firm or
1020 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 compliance with the provisions of this section. No individual practicing engineering or practicing surveying under this chapter shall be relieved of responsibility for engineering services or surveying services performed by reason of employment or other relationship with a firm holding * * * a certificate of authority.

SECTION 23. Section 73-13-45, Mississippi Code of 1972, is amended as follows:

73-13-45. (1) (a) Neither the state, nor any of its political subdivisions, such as a county, city or town, shall award construction contracts of any public work involving the practice of engineering or architecture unless the plans, specifications and estimates have been prepared and such work supervised by a registered professional engineer or architect; however, nothing in this subsection shall be held to apply to such public work in which the expenditure does not exceed One Hundred Thousand Dollars (\$100,000.00).

(b) The state and any of its political subdivisions, such as a county, city or town, may engage in construction of public buildings involving the practice of engineering or architecture and using political subdivision workforces without



1046 the supervision of a licensed professional engineer or architect,
1047 provided that the total cost of the public building does not
1048 exceed One Hundred Fifty Thousand Dollars (\$150,000.00). This
1049 paragraph (1)(b) shall not supersede any rules and regulations
1050 promulgated by the State Department of Health and the Department
1051 of Environmental Quality.

1052 (2) (a) In the awarding of public contracts for
1053 professional engineering services, preference shall be given to
1054 resident professional engineers over those nonresident
1055 professional engineers domiciled in a state having laws which
1056 grant a preference to the professional engineers who are residents
1057 of that state. Nonresident professional engineers shall be
1058 awarded Mississippi public contracts only on the same basis as the
1059 nonresident professional's state awards contracts to Mississippi
1060 professional engineers under similar circumstances. When a
1061 nonresident professional engineer submits a proposal for a public
1062 project, he shall attach thereto a copy of his resident state's
1063 current statute, resolution, policy, procedure or executive order
1064 pertaining to such state's treatment of nonresident professional
1065 engineers. Resident professional engineers actually domiciled in
1066 Mississippi, be they corporate, individuals or partnerships, shall
1067 be granted preference over nonresidents in the awarding of
1068 contracts in the same manner and to the same extent as provided by
1069 the laws of the state of domicile of the nonresident. As used in
1070 this section, the term "resident professional engineer" includes a



1071 nonresident person, firm or corporation that has been qualified to
1072 do business in this state and has maintained a permanent full-time
1073 office in the State of Mississippi for not less than two (2) years
1074 prior to submitting a proposal for a public project, and the
1075 subsidiaries and affiliates of such a person, firm or corporation.

1076 (b) The provisions of this subsection shall not apply
1077 to any contract for any project upon which federal funds would be
1078 withheld because of the preference requirements of this
1079 subsection.

1080 (c) Any contract, agreement or arrangement for
1081 professional engineering services negotiated, made or entered
1082 into, directly or indirectly, by the state, counties,
1083 municipalities or any political subdivision thereof, or by any
1084 special districts, which is in any way in violation of the
1085 provisions of this subsection is hereby declared to be void as
1086 contrary to the public policy of this state and shall not be given
1087 effect or enforced by any court of this state or by any of its
1088 officers or employees.

1089 (d) Nothing in this subsection shall affect the
1090 validity of any contract in existence prior to July 1, 1989.

1091 (e) For purposes of this section, the term
1092 "professional engineering services" means those within the scope
1093 of the practice of professional engineering as defined by * * *
1094 this chapter, or those performed by any registered professional
1095 engineer in connection with professional employment or practice.



SECTION 24. The following shall be codified as Section 73-13-47, Mississippi Code of 1972:

73-13-47. (1) For the purposes of this section, the term "surveyor" means a licensed professional surveyor as defined in this chapter, and any person who is employed by or under the direct supervision of a professional surveyor licensed under this chapter.

(2) A surveyor may enter in or upon public or private lands or waters, except buildings, while in the lawful performance of surveying duties without criminal liability for trespass; however, a surveyor shall make a good faith attempt to announce and identify themselves and their intentions before entering upon private property and must present documentation sufficient to identify themselves as a surveyor to anyone requesting such identification.

(3) The provisions of this section do not relieve a surveyor from any civil liability that otherwise is actionable at law or in equity, and do not relieve a surveyor from criminal liability for trespass if the entry in or upon the property extends beyond the property or area that is necessary to actually perform the surveying duties.

(4) Surveyors shall be personally liable for any damage caused to private property when exercising entry under this section. No cause of action shall lie against a landowner for damages to a surveyor while on such lands unless the damage is



1121 cause by the intentional tortious conduct of landowner or their
1122 agent.

1123 **SECTION 25.** The following shall be codified as Section
1124 73-13-49, Mississippi Code of 1972:

1125 73-13-49. (1) This chapter shall not be construed to
1126 prevent or to affect:

1127 (a) The practice of any other legally recognized
1128 profession or trade, such as: (i) engineers employed by
1129 contractors to supervise work on which a licensed engineer is
1130 engaged; (ii) architects who are registered under the provisions
1131 of Title 73, Chapter 1; and (iii) the practice of geology as
1132 regulated pursuant to Title 73, Chapter 63;

1133 (b) The work of an employee or a subordinate of a
1134 person holding a license under this chapter, provided such work
1135 does not include final designs or decisions and is done under the
1136 responsibility, checking and supervision of a person holding a
1137 license under this chapter;

1138 (c) The practice of officers and employees of the
1139 government of the United States while engaged within this state in
1140 the practice of engineering or surveying for said government;

1141 (d) The performance of engineering services by any
1142 regular full-time employee of a manufacturing, research and
1143 development, railroad or other industrial corporation, provided:

1144 (i) Such services are rendered on or in connection
1145 with existing fixed works, equipment, systems, processes or



1146 facilities owned, operated, or leased by such corporation and/or
1147 its affiliates;

1148 (ii) Such services are not rendered to third
1149 parties;

1150 (iii) Such services do not consist of original
1151 plant design, original system design, or original process design,
1152 other than routine system extensions that do not compromise the
1153 integrity of the original design;

1154 (iv) Such services comply with all requirements
1155 specified by the employee's company or corporation;

1156 (v) All fixed works, equipment, systems, processes
1157 or facilities modified by such services undergo a safety review
1158 that confirms; 1. the construction and equipment is in accordance
1159 with design specifications; and 2. safety, operating, maintenance
1160 and emergency procedures are in place to safeguard life, health
1161 and property;

1162 (vi) Such services are not required to be
1163 performed, approved, or certified by a professional engineer
1164 pursuant to law or regulation, whether federal, state, or local,
1165 other than as defined in this chapter hereof or any applicable
1166 rules or regulations promulgated by the Mississippi Board of
1167 Licensure for Professional Engineers and Surveyors.

1168 It is further stated that this paragraph (d) is intended to
1169 codify the policy and practices of the board at the time of
1170 enactment of this Senate Bill No. 2380, 1999 Regular Session, and



1171 that any ambiguities in this subsection should be construed in
1172 accordance with this intent;

1173 (e) The performance of engineering or surveying
1174 services with respect to utility facilities by any public utility
1175 subject to regulation by the Mississippi Public Service
1176 Commission, the Federal Communications Commission, the Federal
1177 Energy Regulatory Commission, or the Nuclear Regulatory
1178 Commission, including its parents, affiliates, subsidiaries,
1179 provided that they are engaged solely and exclusively in
1180 performing service for such public utility and/or its parents,
1181 affiliates or subsidiaries, and as long as such services comply
1182 with all standard operating procedures and requirements specified
1183 by the employee's company or corporation. This exemption shall
1184 not extend to: (i) the practice of engineering or surveying
1185 performed by public utilities or their officers or employees when
1186 such services are rendered to nonaffiliated third parties in
1187 exchange for compensation other than that received from their
1188 employer, or the use of any name, title or words which tend to
1189 convey the impression that a nonlicensee is offering engineering
1190 or surveying services to the public; and (ii) services which are
1191 required to be performed, approved or certified by a professional
1192 engineer or professional surveyor pursuant to law or regulation
1193 whether federal, state or local, other than this chapter hereof or
1194 any applicable rules or regulations promulgated by the Mississippi
1195 Board of Licensure for Professional Engineers and Surveyors.



1196 It is further stated that this paragraph (e) is intended to
1197 codify the policy and practices of the board at the time of
1198 enactment of Senate Bill No. 2380, 1999 Regular Session, and that
1199 any ambiguities in this subsection should be construed in
1200 accordance with this intent;

1201 (f) The practice of engineering shall not include the
1202 work ordinarily performed by persons who operate or maintain
1203 machinery, equipment, water plants, power generation, utility
1204 transmission, utility distribution facilities, sewage plants and
1205 solid waste disposal facilities;

1206 (g) Activities conducted during the course of, or in
1207 anticipation of, litigation including, but not exclusively:
1208 analyzing, evaluating, consulting, reconstructing, testing,
1209 responding to the opinions and testing conducted by others, and
1210 offering expert testimony. However, this exemption shall not
1211 apply in legal proceedings where the subject matter of the
1212 litigation or claim is nonforensic engineering activity legally
1213 required to be performed under a Mississippi engineer's license;

1214 (h) Certain elected or appointed county surveyors. A
1215 county surveyor as provided for in Section 135 of the Mississippi
1216 Constitution, and Sections 19-27-1 through 19-27-35 implementing
1217 the constitutional provision, who holds the office of county
1218 surveyor by either election or appointment, shall be exempt from
1219 the provisions of this chapter provided they held the office of



1220 county surveyor by either election or appointment on or before
1221 December 31, 1983;

1222 (i) The work of a regular employee of a railroad,
1223 rendering to the railroad surveying services in connection with
1224 its facilities within the exclusive scope of their employment
1225 provided that:

1226 (i) Any new right-of-way acquisitions for
1227 construction of rail lines by class one railroads shall be
1228 surveyed and platted in compliance with the Mississippi Standards
1229 of Practice for Surveying by a Mississippi professional surveyor;
1230 and

1231 (ii) Upon the removal of track and disposition of
1232 an abandoned rail line the railroad shall retain and make
1233 available upon reasonable request from Mississippi licensed
1234 surveyors the railroad's valuation surveys for any such abandoned
1235 rail line;

1236 (j) The practice of geologists performing geologic
1237 mapping insofar as such practice does not encompass tasks or
1238 projects included by statute in the scope of work comprising the
1239 practice of professional surveying as defined in this chapter; or

1240 (k) Any municipality or county from creating maps for
1241 use in planning, zoning, taxing, elections, police or fire, E-911,
1242 public works, transportation or related activities. However, if
1243 any such document does not bear the seal and signature of a
1244 professional surveyor, the document shall not be considered to be



1245 certifiably accurate as to position or location, nor shall the
1246 document be considered to be an official survey.

1247 (2) In addition to the exemptions provided in subsection
1248 (1), there is hereby granted and reserved to the board the
1249 authority to exempt from this chapter by regulations specific
1250 engineering or surveying tasks or functions performed by regular
1251 full-time employees of manufacturing, public utility, research and
1252 development, railroad or other industrial corporations rendered in
1253 the course and scope of their employment, on a case by case basis,
1254 if, in the opinion of the board, the public health and welfare is
1255 not endangered nor the engineering or surveying professions
1256 diminished.

1257 **SECTION 26.** Sections 73-13-71, 73-13-73, 73-13-75, 73-13-77,
1258 73-13-79, 73-13-81, 73-13-83, 73-13-85, 73-13-87, 73-13-89,
1259 73-13-93, 73-13-95, 73-13-97, 73-13-103 and 73-13-105, Mississippi
1260 Code of 1972, which provide for the licensure of land surveyors,
1261 are repealed.

1262 **SECTION 27.** Section 19-27-1, Mississippi Code of 1972, is
1263 amended as follows:

1264 19-27-1. There shall be elected for each county a surveyor
1265 who shall take and subscribe the oath of office prescribed by the
1266 Constitution and give bond, with sufficient surety, to be payable,
1267 conditioned and approved as provided by law and in the same manner
1268 as other county officials, in a penalty not less than Fifty
1269 Thousand Dollars (\$50,000.00).



1270 From and after January 1, 1984, such surveyor shall be a
1271 registered land surveyor as provided for in Sections * * * 73-13-1
1272 through 73-13-49. However, this requirement shall not apply to
1273 any person who was holding the office of county surveyor by either
1274 election or appointment on December 31, 1983.

1275 **SECTION 28.** Section 73-63-5, Mississippi Code of 1972, is
1276 amended as follows:

1277 73-63-5. The following words shall have the meanings
1278 ascribed in this section, unless the context clearly indicates
1279 otherwise:

1280 (a) "Board" means the board of registered professional
1281 geologists created under this chapter.

1282 (b) "Certified geologist" means a geologist who has
1283 been certified by a professional geologic organization, society or
1284 association, including, but not limited to, the American
1285 Association of Petroleum Geologists and the American Institute of
1286 Professional Geologists, which has certification requirements
1287 recognized by the board.

1288 (c) "Fund" means the registered professional geologists
1289 fund created under Section 73-63-21.

1290 (d) "Geologist" means an individual who, by reason of
1291 knowledge of geology, mathematics and the supporting physical and
1292 life sciences acquired by education and practical experience, is
1293 qualified to engage in the practice of geology.



1294 (e) "Geologist-in-training" means an individual who has
1295 met the academic qualifications established by the board, who has
1296 successfully passed a written examination demonstrating a
1297 knowledge of the fundamentals of geology, and who has been
1298 enrolled as a geologist-in-training by the board.

1299 (f) "Geology" means the science which includes the
1300 study of the earth and its origin and history. Geology includes
1301 the investigation of the earth's constituent rocks, minerals,
1302 solids and fluids, including surface and underground waters, gases
1303 and other materials and the study of the natural agents, forces
1304 and processes which cause changes in the earth.

1305 (g) "Person" means any individual, trust, firm, joint
1306 stock company, public or private corporation (including a
1307 government corporation), partnership, association, state, or any
1308 agency or institution thereof, municipality, commission, political
1309 subdivision of a state or any interstate body, and includes any
1310 officer or governing or managing body of any municipality,
1311 political subdivision, or the United States or any officer or
1312 employee thereof.

1313 (h) "Practice of geology" means any professional
1314 service to determine and evaluate the geology of the earth
1315 requiring geologic education, training, experience and the
1316 application of special knowledge of the mathematical, physical and
1317 geologic sciences to those services, including, but not limited
1318 to, consultation, investigation, evaluation, planning, surveying



(unless licensed under Sections * * * 73-13-1 through 73-13-49),
mapping and inspection of geologic work.

(i) "Registered professional geologist" means a geologist who has met the academic and experience qualifications established by the board and has been issued a certificate of registration as a registered professional geologist by the board.

(j) "Registrant" means any individual who holds a certificate of registration or certificate of enrollment issued under this chapter.

(k) "Responsible charge" means the independent control and direction, by use of initiative, skill and independent judgment, of geologic work or the supervision of that work.

(l) "Subordinate" means any individual who assists in the practice of geology by a registered professional geologist without assuming the responsible charge of the work.

(m) "Specialty" means any branch or discipline of geology that may be recognized under this chapter or regulations promulgated by the board for certifying specialization in a specific geologic field of study or related scientific field of study, or both.

(n) "Welfare" means physical and financial welfare.

SECTION 29. Section 85-7-401, Mississippi Code of 1972, is amended as follows:



1342 85-7-401. The following words and phrases shall have the
1343 meanings ascribed herein unless the context clearly indicates
1344 otherwise:

1345 (a) "Business day" means any day that is not a
1346 Saturday, Sunday, or legal holiday.

1347 (b) "Contractor" means a contractor having privity of
1348 contract with the owner or lessee of the real estate.

1349 (c) "Lien action" means a civil action against the
1350 owner of improved property to perfect and make permanent the lien
1351 created by Section 85-7-403.

1352 (d) "Payment action" means a lawsuit, proof of claim in
1353 a bankruptcy case, or a binding arbitration.

1354 (e) "Professional surveyor" has the meaning given in
1355 Section * * * 73-13-3.

1356 (f) "Materials" means materials, tools, appliances,
1357 machinery, or equipment used in making improvements to the real
1358 estate.

1359 (g) "Materialmen" or "materialman" means all persons
1360 furnishing the materials, tools, appliances, machinery, or
1361 equipment included in the definition of materials to a contractor
1362 or to a subcontractor in privity with the contractor.

1363 (h) "Professional engineer" has the meaning given in
1364 Section 73-13-3.

1365 (i) "Residential property" means single-family and
1366 two-family, three-family, and four-family residential real estate.



1367 (j) "Statutory overnight delivery" means delivery of a
1368 document through the United States Postal Service or through a
1369 commercial firm that is regularly engaged in the business of
1370 document delivery or document and package delivery in which the
1371 sender:

1372 (i) Has directed that delivery be not later than
1373 the next business day following the day on which the document is
1374 received for delivery by the United States Postal Service or the
1375 commercial firm; and

1376 (ii) Receives a receipt acknowledging receipt of
1377 the document signed by addressee or an agent of the addressee.

1378 (k) "Subcontractor" means subcontractors having privity
1379 of contract with the contractor; "subcontractor" also means
1380 subcontractors having privity of contract with a subcontractor
1381 having privity of contract with the contractor.

1382 (l) "Registered architect" has the meaning given in
1383 Section 73-1-3.

1384 (m) "Design professional" includes professional
1385 surveyors, professional engineers and registered architects.

1386 **SECTION 30.** Section 97-17-85, Mississippi Code of 1972, is
1387 amended as follows:

1388 97-17-85. Except as otherwise provided in Sections * * *
1389 73-13-47 and 49-7-79, if any person shall go upon the enclosed
1390 land of another without his consent, after having been notified by
1391 such person or his agent not to do so, either personally or by



1392 published or posted notice, or shall remain on such land after a
1393 request by such person or his agent to depart, he shall, upon
1394 conviction, be fined not more than Fifty Dollars (\$50.00) for such
1395 offense. The provisions of this section shall apply to land not
1396 enclosed where the stock law is in force.

1397 **SECTION 31.** Section 97-17-93, Mississippi Code of 1972, is
1398 amended as follows:

1399 97-17-93. (1) Any person who knowingly enters the lands of
1400 another without the permission of or without being accompanied by
1401 the landowner or the lessee of the land, or the agent of such
1402 landowner or lessee, shall be guilty of a misdemeanor and, upon
1403 conviction, shall be punished for the first offense by a fine of
1404 Two Hundred Fifty Dollars (\$250.00). Upon conviction of any
1405 person for a second or subsequent offense, the offenses being
1406 committed within five (5) years of the last offense, such person
1407 shall be punished by a fine of Five Hundred Dollars (\$500.00), and
1408 may be imprisoned in the county jail for a period of not less than
1409 ten (10) nor more than thirty (30) days, or by both such fine and
1410 imprisonment. This section shall not apply to the landowner's or
1411 lessee's family, guests, or agents, to a surveyor as provided in
1412 Section * * * 73-13-47, or to persons entering upon such lands for
1413 lawful business purposes.

1414 (2) (a) It shall be the duty of sheriffs, deputy sheriffs,
1415 constables and conservation officers to enforce this section.



1416 (b) Such officers shall enforce this section by issuing
1417 a citation to those charged with trespassing under this section.

1418 (3) The provisions of this section are supplementary to the
1419 provisions of any other statute of this state.

1420 (4) A prosecution under the provisions of this section shall
1421 be dismissed upon the request of the landowner, lessee of the land
1422 or agent of such landowner or lessee, as the case may be.

1423 **SECTION 32.** Section 97-17-97, Mississippi Code of 1972, is
1424 amended as follows:

1425 97-17-97. (1) Except as otherwise provided in Section * * *
1426 73-13-47, if any person or persons shall without authority of law
1427 go into or upon or remain in or upon any building, premises or
1428 land of another, including the premises of any public housing
1429 authority after having been banned from returning to the premises
1430 of the housing authority, whether an individual, a corporation,
1431 partnership, or association, or any part, portion or area thereof,
1432 after having been forbidden to do so, either orally or in writing
1433 including any sign hereinafter mentioned, by any owner, or lessee,
1434 or custodian, or other authorized person, or by the administrators
1435 of a public housing authority regardless of whether or not having
1436 been invited onto the premises of the housing authority by a
1437 tenant, or after having been forbidden to do so by such sign or
1438 signs posted on, or in such building, premises or land, or part,
1439 or portion, or area thereof, at a place or places where such sign
1440 or signs may be reasonably seen, such person or persons shall be



1441 guilty of a misdemeanor, and, upon conviction thereof, shall be
1442 punished by a fine of not more than Five Hundred Dollars (\$500.00)
1443 or by confinement in the county jail not exceeding six (6) months,
1444 or by both such fine and imprisonment.

1445 (2) The provisions of this section are supplementary to the
1446 provisions of any other statute of this state.

1447 **SECTION 33.** This act shall take effect and be in force from
1448 and after July 1, 2025.

