

By: Senator(s) Johnson

To: Business and Financial  
Institutions; Government  
Structure

## SENATE BILL NO. 2422

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:



73-13-3. (1) The term "engineer" as used in \* \* \* this chapter shall mean a professional engineer as hereinafter defined.

(2) The term "professional engineer" 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 engineer.

(3) The term "engineer intern" as used in \* \* \* this chapter shall mean a candidate for licensure as a professional engineer who has met the qualifications as required under \* \* \* this chapter and who has been \* \* \* enrolled as an engineer intern.

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

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



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

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

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

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

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

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

(5) The term "surveyor" as used in this chapter means a professional surveyor as hereinafter defined.



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

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

114       (8) (a) The "practice of surveying," within the meaning and  
115 intent of this chapter, shall mean providing, or offering to  
116 provide, professional services using such sciences as mathematics,  
117 geodesy, and photogrammetry, and involving both (i) the making of  
118 geometric measurements and gathering related information  
119 pertaining to the physical or legal features of the earth,  
120 improvements on the earth, the space above, on, or below the  
121 earth; and (ii) providing, utilizing, or developing the same into  
122 survey products such as graphics, data, maps, plans, reports,  
123 descriptions, or projects.

124       (b) Professional services include acts of consultation,  
125 investigation, testimony evaluation, expert technical testimony,  
126 planning, mapping, assembling, and interpreting gathered  
127 measurements and information related to any one or more of the  
128 following:

129               (i) Determining by measurement the configuration  
130 or contour of the earth's surface or the position of fixed objects  
131 thereon;



132 (ii) Determining by performing geodetic surveys  
133 the size and shape of the earth or the position of any point on  
134 the earth;

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

139 (iv) Making any survey for the division,  
140 subdivision, or consolidation of any tract(s) of land;

141 (v) Locating or laying out alignments, positions,  
142 or elevations for the construction of fixed works;

143 (vi) Determining, by the use of principles of  
144 surveying, the position for any survey monument (boundary or  
145 nonboundary) or reference point; establishing or replacing any  
146 such monument or reference point;

147 (vii) Creating, preparing, or modifying  
148 electronic, computerized, or other data, relative to the  
149 performance of the activities in subparagraphs (i) through (vi) of  
150 this paragraph.

151 (c) An individual shall be construed to practice  
152 surveying, within the meaning and intent of this chapter, if the  
153 individual does any of the following:

154 (i) Engages in or holds themselves out as able and  
155 entitled to practice surveying;



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

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

(9) 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.

\* \* \*

(10) 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



181 six (6) licensed professional engineers, \* \* \* and three (3)  
182 licensed professional surveyors, who are not licensed professional  
183 engineers, \* \* \* all of whom shall have the qualifications  
184 required by \* \* \* this chapter. The members of the board shall be  
185 appointed \* \* \* by the Governor. State surveying societies,  
186 councils, and associations may provide surveyor nominees to the  
187 Governor for consideration no less than ninety (90) days before  
188 the expiration of a board member term. State engineering  
189 societies or councils that are affiliated with national  
190 organizations may provide engineer nominees to the Governor for  
191 consideration no less than ninety (90) days before the expiration  
192 of a board member term. The board so appointed shall have two (2)  
193 engineer members and one (1) surveyor member from each of the  
194 three (3) state Supreme Court districts, designated by  
195 district, \* \* \* and shall serve for \* \* \* six (6) years, or until  
196 their successors are duly appointed and qualified.

197 The first Supreme Court District engineer members shall be  
198 designated as Post 1 and Post 4, and the survey member shall be  
199 designated as Post 7. The second Supreme Court District engineer  
200 members shall be designated as Post 2 and Post 5, and the survey  
201 member shall be designated as Post 8. The third Supreme Court  
202 District engineer members shall be designated as Post 3 and Post  
203 6, and the surveyor member shall be designated as Post 9.

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





206       Posts 1, 2 and 9 shall be appointed for six-year terms that  
207 begin on July 1, 2026.

208       Posts 3, 4 and 8 shall be appointed for six-year terms that  
209 begin on July 1, 2028.

210       Posts 5, 6 and 7 shall be appointed for six-year terms that  
211 begin on July 1, 2030.

212       At the expiration of their term, members of the board shall  
213 be appointed by the Governor in the manner prescribed in this  
214 chapter for terms of six (6) years from the expiration date of the  
215 previous term.

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

228       \* \* \*

229       Any vacancy on the board prior to the expiration of a term  
230 for any reason, including resignation, removal, disqualification,



231 death or disability, shall be filled by appointment of the  
232 Governor in the manner prescribed in this \* \* \* chapter for the  
233 balance of the unexpired term. The \* \* \* Governor shall fill such  
234 vacancies within ninety (90) days after each such vacancy occurs.

235 It shall not be considered the duty of the State of  
236 Mississippi to provide office space and office equipment for the  
237 board herein created.

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

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

247 73-13-7. Each member of the board shall be a citizen of the  
248 United States and shall have been a resident of the state for at  
249 least five (5) years prior to the appointment. \* \* \* They shall  
250 be at least \* \* \* thirty-five (35) years of age, shall have been  
251 engaged as a licensed professional in the practice of engineering  
252 or surveying, as the case may be, for at least ten (10) years and  
253 shall have been in responsible charge of important engineering or  
254 surveying work, as the case may be, for at least five (5) years,  
255 and shall not have been subject to disciplinary action as



described in this chapter for the previous ten (10) years. Each year of teaching engineering or surveying in a school or college shall be equivalent to a year of responsible charge of engineering 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 agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the board and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies.

(2) The executive director and the secretary of the board shall give a surety bond satisfactory to the other members of the board, conditioned upon the faithful performance of their duties. The premium on said bond shall be regarded as a proper and necessary expense of the board. When any member of the board or any employee thereof is engaged on business of the board away from the principal office of the board, \* \* \* they shall be entitled to receive expenses as authorized in Section 25-3-41, and members of



the board shall be entitled to per diem in an amount not to exceed that authorized in Section 25-3-69, all as approved by the board.

(3) The board shall employ an executive director and may employ such clerical or other assistants as are necessary for the 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.

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

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

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

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

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

(a) Graduation in an engineering curriculum of four (4) scholastic 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 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-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-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



478 (iv) An associate degree, or its equivalent, in a  
479 curriculum approved by the board consisting of sixty-two (62)  
480 semester hours in surveying curriculum subjects as defined by  
481 board rule, and a specific record of seven (7) years or more of  
482 qualifying surveying experience; or

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

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

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

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

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

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

501 (iv) An associate degree, or its equivalent, in a  
502 curriculum approved by the board consisting of sixty-two (62)



semester hours in surveying curriculum subjects as defined by  
board rule; or

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

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

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

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

73-13-25. Applications for enrollment as an engineer  
intern \* \* \*, surveyor intern, licensure as a professional  
engineer, or licensure as a professional surveyor shall be on the  
forms prescribed and furnished by the board, shall contain  
statements made under oath, showing the applicant's education and  
detailed summary of the applicant's qualifying experience.  
Applications for licensure or relicensure as a professional  
engineer shall also contain not less than five (5) references, of  
whom three (3) or more shall be engineers having personal  
knowledge of the applicant's engineering experience. Application  
for licensure or relicensure as a professional surveyor shall also  
contain not less than five (5) references, of whom three (3) or



527 more shall be professional surveyors having personal knowledge of  
528 the applicant's surveying experience.

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

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

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

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

544       73-13-27. Examinations shall be required for enrollment as  
545 an engineer intern \* \* \*, surveyor intern, licensure as a  
546 professional engineer, or licensure as a professional surveyor.  
547 The examinations shall be held at such time and place as the board  
548 may determine.

549       The scope of the engineering examinations and the methods and  
550 procedure shall be prescribed by the board with special reference  
551 to the applicant's ability to design and supervise engineering



works so as to \* \* \* ensure the safety of life, health and property.

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

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

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

73-13-29. The board shall issue a \* \* \* license and shall provide a certificate of licensure upon payment of licensure fee as provided for in \* \* \* this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of \* \* \* this chapter. In the case of a licensed engineer, the \* \* \* license shall authorize the "practice of engineering." In the case of an engineer intern, \* \* \* a certificate of enrollment shall be provided, and it shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer intern." In the case of licensed professional surveyors, the license shall authorize the "practice of surveying." In the case of a surveyor intern, the certificate shall state that the applicant has successfully passed the examination in fundamental surveying subjects required by the



board and has been enrolled as a "surveyor intern." Certificates 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.





601       Plats, maps and reports prepared by a licensed surveyor shall  
602 be stamped with the seal during the life of the licensee's  
603 license, but it shall be unlawful for anyone to stamp or seal any  
604 documents with the seal after the license of the licensee named  
605 thereon has expired or been revoked or suspended. It shall be  
606 unlawful for anyone other than the licensee to whom the seal has  
607 been issued to stamp or seal any documents utilizing such seal.

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

610       73-13-31. \* \* \* Licenses shall expire on the last day of the  
611 month of December following their issuance or at the end of their  
612 renewal period and shall become invalid on that date unless  
613 renewed. It shall be the duty of the board to notify every person  
614 licensed under this chapter of the date of the expiration of \* \* \*  
615 the license and the amount of the fee that shall be required for  
616 its renewal for one (1) year or two (2) years. Such notice shall  
617 occur at least one (1) month in advance of the date of the  
618 expiration of said \* \* \* license. Renewal may be effected at any  
619 time during the month of December by the payment of a fee, as  
620 determined by the board, not to exceed \* \* \* One Hundred Dollars  
621 (\$100.00) or \* \* \* Two Hundred Dollars (\$200.00) if renewals are  
622 for two (2) years. A person who is licensed as a professional  
623 engineer and as a professional surveyor may effect both renewals  
624 by the payment of a fee not to exceed \* \* \* One Hundred Fifty  
625 Dollars (\$150.00), or \* \* \* Three Hundred Dollars (\$300.00) if



626 renewals are for two (2) years. The failure on the part of any  
627 licensee to renew \* \* \* their license annually, or biennially, in  
628 the month of December as required above, shall not deprive such  
629 person of the right of renewal, but the fee to be paid for the  
630 renewal of a \* \* \* license after the month of December shall be  
631 increased ten percent (10%) for each month, or fraction of a month  
632 that payment of renewal is delayed; provided, however, that the  
633 maximum fee for delayed renewal shall not exceed five (5) times  
634 the normal renewal fee. A state agency or any of the state's  
635 political subdivisions, such as a county or municipality, may pay  
636 the renewal fee of any licensee who is a full-time employee;  
637 provided, however, that any licensee who permits \* \* \* their  
638 renewal fee to be paid from any public funds shall not perform  
639 engineering or surveying services for a fee or other emoluments  
640 for the public or for any other public entity.

641 If a \* \* \* license has expired for six (6) months or more,  
642 the licensee shall be required to submit a new application, paying  
643 back fees and submitting proof of continuing professional  
644 competency compliance. \* \* \* If a license has expired for five  
645 (5) years or more, in addition to submitting a new application and  
646 proof of continuing professional competency compliance,  
647 reexamination may be required.

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



650           73-13-33. All professional engineers, licensed in accordance  
651 with the provisions of Chapter 56 of the Laws of Mississippi of  
652 1928, Extraordinary Session, and as amended under Senate Bill No.  
653 383, Chapter 131, Laws of 1940, and whose certificates of  
654 licensure are in effect at the time of passage of \* \* \* this  
655 chapter, shall be entitled to all the rights and privileges of a  
656 licensed professional engineer as provided for in those sections,  
657 while the said certificate remains unrevoked or unexpired.

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

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

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



674           73-13-37. (1) The board, upon satisfactory proof and in  
675 accordance with the provisions of this chapter and the  
676 implementing regulations of the board pertaining thereto, is  
677 authorized to take the disciplinary actions provided for  
678 hereinafter against any person or firm practicing engineering or  
679 surveying, including \* \* \* nonlicensees, for any of the following  
680 reasons:

681           (a) Violating any of the provisions of \* \* \* this  
682 chapter or the implementing bylaws, rules, regulations, or  
683 standards of ethics or conduct duly adopted and promulgated by the  
684 board pertaining to the practice of engineering or the practice of  
685 surveying;

686           (b) Fraud, deceit or misrepresentation in obtaining  
687 a \* \* \* license;

688           (c) Gross negligence, malpractice or incompetency;

689           (d) Any professional misconduct, as defined by the  
690 board through bylaws, rules and regulations, and standards of  
691 conduct and ethics;

692           (e) Practicing or offering to practice engineering or  
693 surveying on an expired \* \* \* license or while under suspension or  
694 revocation of \* \* \* license unless said suspension or revocation  
695 be abated through probation, as provided for hereinafter; or

696           (f) Addiction to or dependence on alcohol or other  
697 habit-forming drugs or being an habitual user of alcohol,



698 narcotics, barbiturates, amphetamines, hallucinogens, or other  
699 drugs having similar effect.

700 (2) Any person may prefer charges against any other person  
701 practicing engineering or surveying, including nonlicensees, for  
702 committing any of the acts set forth in subsection (1). Such  
703 charges shall be sworn to, either upon actual knowledge or upon  
704 information and belief, and shall be filed with the board. \* \* \*

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

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

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



722 (3) At any hearing held hereunder, the board shall have the  
723 power to subpoena witnesses and compel their attendance and may  
724 also require the production of \* \* \* records and data, as provided  
725 elsewhere in this chapter. The board is authorized to designate  
726 or secure a hearing officer to conduct the hearing. All evidence  
727 shall be presented under oath, which may be administered by any  
728 member of the board, and thereafter the proceedings may, if  
729 necessary, be transcribed in full by the court reporter and filed  
730 as part of the record in the case. Copies of such transcriptions  
731 may be provided to any party to the proceedings at a cost to be  
732 fixed by the board.

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

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



746           The accused shall have the right to be present at the hearing  
747 in person, by counsel or other representative, or both. The board  
748 is authorized to continue or recess the hearing as may be  
749 necessary.

750           (4) At the conclusion of the hearing, the board may either  
751 decide the issue at that time or take the case under advisement  
752 for further deliberation. The board shall render its decision not  
753 more than ninety (90) days after the close of the hearing, and  
754 shall forward to the last-known business or residence address of  
755 the accused, by certified or registered mail, return receipt  
756 requested, a written statement of the decision of the board.

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

767           (5) A monetary penalty assessed and levied under this  
768 section shall be paid to the board upon the expiration of the  
769 period allowed for appeal of such penalties under this \* \* \*  
770 chapter, or may be paid sooner if the guilty party elects. Money



collected by the board under this section shall be deposited to the credit of the board's special fund in the State Treasury.

When payment of a monetary penalty assessed and levied by the board in accordance with this section is not paid when due, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of 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,





796 concerning the same violation or violations except as provided in  
797 this section.

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

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



820 All appeals perfected hereunder shall not act as a  
821 supersedeas, and shall be made to the chancery court solely upon  
822 the record made before the board during the disciplinary hearing.  
823 When the appeal shall have been properly perfected as provided  
824 herein, the board shall cause the record of the proceedings  
825 conducted before it to be compiled, certified and filed with the  
826 chancery court. The briefing schedule shall be the same as for  
827 appeals to the Supreme Court. The chancery court shall be  
828 required to rule on the case within sixty (60) days of the close  
829 of briefing. All procedures and penalties provided for in this  
830 section shall apply to nonlicensees as well as licensees.

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



845 93-11-157 or 93-11-163 shall be taken in accordance with the  
846 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
847 the case may be, rather than the procedure specified in this  
848 section. If there is any conflict between any provision of  
849 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
850 the provisions of Section 93-11-157 or 93-11-163, as the case may  
851 be, shall control.

852 (12) Any board member whose objectivity in a disciplinary  
853 proceeding is impaired shall either recuse \* \* \* themselves from  
854 sitting as a member of the board in a formal disciplinary hearing  
855 in that proceeding or be disqualified therefrom. In the event a  
856 disciplinary proceeding is brought against a member or former  
857 member of the board, no member of the board who has served  
858 concurrently with the respondent in the disciplinary proceeding  
859 shall sit as a member of the board in a formal disciplinary  
860 hearing in that proceeding. If, after recusal or disqualification  
861 of board members as provided herein, there does not remain a  
862 quorum of the board to sit for a disciplinary hearing, the board  
863 shall have the power to select, in accordance with duly  
864 promulgated regulations of the board, substitute panel members  
865 from slates of candidates established by the Mississippi  
866 Engineering Society and the Mississippi Association of  
867 Professional Surveyors to the extent necessary to achieve the  
868 number of panel members equivalent to a quorum of the board.  
869 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, or any person presenting or attempting to use as \* \* \* their own the \* \* \* license or seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a \* \* \* license, or any person who shall falsely impersonate any other licensee of like or different name, or any person or firm who shall attempt to use an expired or revoked \* \* \* license, or any person or firm who shall violate any of the provisions of \* \* \* this chapter, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Thousand Dollars (\$5,000.00) in addition to reimbursement of investigative expenses and court costs, or suffer imprisonment for a period not exceeding three (3) months, or both. The criminal penalties provided for in this section may be assessed in addition to those civil penalties provided for in \* \* \* this chapter.

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



894 (a) Directly or indirectly employ, use, cause to be  
895 used or make use of any of the following terms or any  
896 combinations, variations or abbreviations thereof as a  
897 professional, business or commercial identification, title, name,  
898 representation, claim, asset or means of advantage or benefit:  
899 "engineer," "professional engineer," "licensed engineer,"  
900 "registered engineer," "registered professional engineer,"  
901 "licensed professional engineer," "engineered," "engineering,"  
902 "surveyor," "professional surveyor," "licensed surveyor,"  
903 "registered surveyor," "registered professional surveyor,"  
904 "licensed professional surveyor," "surveyed," "surveying,"  
905 "professional land surveyor" or "licensed professional land  
906 surveyor"; or

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

913 (c) Receive any fee or compensation or the promise of  
914 any fee or compensation for performing, offering or attempting to  
915 perform any service, work, act or thing which is any part of the  
916 practice of engineering or the practice of surveying.

917 Any person, firm, partnership, association or corporation  
918 which shall do, offer or attempt to do any one or more of the acts



or things set forth in \* \* \* paragraphs (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of engineering or the practice of surveying.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of \* \* \* this chapter and to prosecute any 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.



943 Actions taken by the board in suspending a license when  
944 required by Section 93-11-157 or 93-11-163 are not actions from  
945 which an appeal may be taken under this section. Any appeal of a  
946 suspension of a license that is required by Section 93-11-157 or  
947 93-11-163 shall be taken in accordance with the appeal procedure  
948 specified in Section 93-11-157 or 93-11-163, as the case may be,  
949 rather than the procedure specified in this section.

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

952 73-13-43. \* \* \* No corporation, firm or partnership may  
953 engage in the practice of professional engineering or the practice  
954 of professional surveying in this state unless it has been issued  
955 a certificate of authority by the board.

956 In order to qualify for \* \* \* an engineering certificate of  
957 authority, a corporation, firm or partnership must have at least  
958 one (1) Mississippi-licensed professional engineer as a principal  
959 officer, partner or designated principal engineer of the firm who  
960 has management responsibility for such practice and who makes  
961 significant technical and/or contractual judgments on behalf of  
962 the firm which would affect the firm's professional reputation and  
963 liability.

964 In order to qualify for a surveying certificate of authority,  
965 a corporation, firm or partnership must have at least one (1)  
966 Mississippi-licensed professional surveyor as a principal officer



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

969 A sole proprietorship, owned and operated by a licensee under  
970 this chapter shall not be required to obtain a certificate of  
971 authority. A professional association of licensed professional  
972 engineers or licensed professional surveyors shall not be required  
973 to obtain a certificate of authority. Both the licensed sole  
974 proprietor and the licensees within a professional association  
975 shall maintain their individual licenses in active status and only  
976 offer the professional service for which they are licensed and  
977 qualified to provide.

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

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





authority for said corporation, firm or partnership to practice engineering or surveying and to contract and collect fees for furnishing this service.

Each certificate of \* \* \* authority will expire on December 31 of the end of the renewal period year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under \* \* \* this chapter of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. The renewal fee shall not exceed \* \* \* Three Hundred Fifty Dollars (\$350.00) for one (1) year or \* \* \* Seven Hundred Dollars (\$700.00) for two (2) years; penalties for late renewal shall be ten percent (10%) per month that payment is delayed.

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

\* \* \* The Secretary of State shall not issue a certificate of incorporation, licensure or authorization to an applicant or licensure as a foreign firm to a corporation, firm or partnership which includes in its name, or among the objectives for which it is established, any of the words, "engineer," "engineering," "surveyor," "surveying," or any modification or derivation thereof, unless the board has issued for said applicant a



certificate of authority or a letter indicating the eligibility of such applicant to receive such a certificate. The corporation, firm or partnership applying shall supply such certificate or letter from the board with its application for incorporation, licensure or authorization to the Secretary of State.

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

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



1042 supervised by a registered professional engineer or architect;  
1043 however, nothing in this subsection shall be held to apply to such  
1044 public work in which the expenditure does not exceed One Hundred  
1045 Thousand Dollars (\$100,000.00).

1046 (b) The state and any of its political subdivisions,  
1047 such as a county, city or town, may engage in construction of  
1048 public buildings involving the practice of engineering or  
1049 architecture and using political subdivision workforces without  
1050 the supervision of a licensed professional engineer or architect,  
1051 provided that the total cost of the public building does not  
1052 exceed One Hundred Fifty Thousand Dollars (\$150,000.00). This  
1053 paragraph (1)(b) shall not supersede any rules and regulations  
1054 promulgated by the State Department of Health and the Department  
1055 of Environmental Quality.

1056 (2) (a) In the awarding of public contracts for  
1057 professional engineering services, preference shall be given to  
1058 resident professional engineers over those nonresident  
1059 professional engineers domiciled in a state having laws which  
1060 grant a preference to the professional engineers who are residents  
1061 of that state. Nonresident professional engineers shall be  
1062 awarded Mississippi public contracts only on the same basis as the  
1063 nonresident professional's state awards contracts to Mississippi  
1064 professional engineers under similar circumstances. When a  
1065 nonresident professional engineer submits a proposal for a public  
1066 project, he shall attach thereto a copy of his resident state's



1067 current statute, resolution, policy, procedure or executive order  
1068 pertaining to such state's treatment of nonresident professional  
1069 engineers. Resident professional engineers actually domiciled in  
1070 Mississippi, be they corporate, individuals or partnerships, shall  
1071 be granted preference over nonresidents in the awarding of  
1072 contracts in the same manner and to the same extent as provided by  
1073 the laws of the state of domicile of the nonresident. As used in  
1074 this section, the term "resident professional engineer" includes a  
1075 nonresident person, firm or corporation that has been qualified to  
1076 do business in this state and has maintained a permanent full-time  
1077 office in the State of Mississippi for not less than two (2) years  
1078 prior to submitting a proposal for a public project, and the  
1079 subsidiaries and affiliates of such a person, firm or corporation.

1080 (b) The provisions of this subsection shall not apply  
1081 to any contract for any project upon which federal funds would be  
1082 withheld because of the preference requirements of this  
1083 subsection.

1084 (c) Any contract, agreement or arrangement for  
1085 professional engineering services negotiated, made or entered  
1086 into, directly or indirectly, by the state, counties,  
1087 municipalities or any political subdivision thereof, or by any  
1088 special districts, which is in any way in violation of the  
1089 provisions of this subsection is hereby declared to be void as  
1090 contrary to the public policy of this state and shall not be given



effect or enforced by any court of this state or by any of its officers or employees.

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

(e) For purposes of this section, the term "professional engineering services" means those within the scope of the practice of professional engineering as defined by \* \* \* this chapter, or those performed by any registered professional 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 caused by the intentional tortious conduct of landowner or their agent.

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

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

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

(b) The work of an employee or a subordinate of a person holding a license under this chapter, provided such work does not include final designs or decisions and is done under the



1140 responsibility, checking and supervision of a person holding a  
1141 license under this chapter;

1142 (c) The practice of officers and employees of the  
1143 government of the United States while engaged within this state in  
1144 the practice of engineering or surveying for said government;

1145 (d) The performance of engineering services by any  
1146 regular full-time employee of a manufacturing, research and  
1147 development, railroad or other industrial corporation, provided:

1148 (i) Such services are rendered on or in connection  
1149 with existing fixed works, equipment, systems, processes or  
1150 facilities owned, operated, or leased by such corporation and/or  
1151 its affiliates;

1152 (ii) Such services are not rendered to third  
1153 parties;

1154 (iii) Such services do not consist of original  
1155 plant design, original system design, or original process design,  
1156 other than routine system extensions that do not compromise the  
1157 integrity of the original design;

1158 (iv) Such services comply with all requirements  
1159 specified by the employee's company or corporation;

1160 (v) All fixed works, equipment, systems, processes  
1161 or facilities modified by such services undergo a safety review  
1162 that confirms; 1. the construction and equipment is in accordance  
1163 with design specifications; and 2. safety, operating, maintenance



1164 and emergency procedures are in place to safeguard life, health  
1165 and property;

1166 (vi) Such services are not required to be  
1167 performed, approved, or certified by a professional engineer  
1168 pursuant to law or regulation, whether federal, state, or local,  
1169 other than as defined in this chapter hereof or any applicable  
1170 rules or regulations promulgated by the Mississippi Board of  
1171 Licensure for Professional Engineers and Surveyors.

1172 It is further stated that this paragraph (d) is intended to  
1173 codify the policy and practices of the board at the time of  
1174 enactment of this Senate Bill No. 2380, 1999 Regular Session, and  
1175 that any ambiguities in this subsection should be construed in  
1176 accordance with this intent;

1177 (e) The performance of engineering or surveying  
1178 services with respect to utility facilities by any public utility  
1179 subject to regulation by the Mississippi Public Service  
1180 Commission, the Federal Communications Commission, the Federal  
1181 Energy Regulatory Commission, or the Nuclear Regulatory  
1182 Commission, including its parents, affiliates, subsidiaries,  
1183 provided that they are engaged solely and exclusively in  
1184 performing service for such public utility and/or its parents,  
1185 affiliates or subsidiaries, and as long as such services comply  
1186 with all standard operating procedures and requirements specified  
1187 by the employee's company or corporation. This exemption shall  
1188 not extend to: (i) the practice of engineering or surveying





performed by public utilities or their officers or employees when such services are rendered to nonaffiliated third parties in exchange for compensation other than that received from their employer, or the use of any name, title or words which tend to convey the impression that a nonlicensee is offering engineering or surveying services to the public; and (ii) services which are required to be performed, approved or certified by a professional engineer or professional surveyor pursuant to law or regulation whether federal, state or local, other than this chapter hereof or any applicable rules or regulations promulgated by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

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

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

(g) Activities conducted during the course of, or in anticipation of, litigation including, but not exclusively: analyzing, evaluating, consulting, reconstructing, testing, responding to the opinions and testing conducted by others, and



1214 offering expert testimony. However, this exemption shall not  
1215 apply in legal proceedings where the subject matter of the  
1216 litigation or claim is nonforensic engineering activity legally  
1217 required to be performed under a Mississippi engineer's license;

1218 (h) Certain elected or appointed county surveyors. A  
1219 county surveyor as provided for in Section 135 of the Mississippi  
1220 Constitution, and Sections 19-27-1 through 19-27-35 implementing  
1221 the constitutional provision, who holds the office of county  
1222 surveyor by either election or appointment, shall be exempt from  
1223 the provisions of this chapter provided they held the office of  
1224 county surveyor by either election or appointment on or before  
1225 December 31, 1983;

1226 (i) The work of a regular employee of a railroad,  
1227 rendering to the railroad surveying services in connection with  
1228 its facilities within the exclusive scope of their employment  
1229 provided that:

1230 (i) Any new right-of-way acquisitions for  
1231 construction of rail lines by class-one railroads shall be  
1232 surveyed and platted in compliance with the Mississippi Standards  
1233 of Practice for Surveying by a Mississippi professional surveyor;  
1234 and

1235 (ii) Upon the removal of track and disposition of  
1236 an abandoned rail line, the railroad shall retain and make  
1237 available upon reasonable request from Mississippi licensed



1238 surveyors the railroad's valuation surveys for any such abandoned  
1239 rail line;

1240 (j) The practice of geologists performing geologic  
1241 mapping insofar as such practice does not encompass tasks or  
1242 projects included by statute in the scope of work comprising the  
1243 practice of professional surveying as defined in this chapter; or

1244 (k) Any municipality or county from creating maps for  
1245 use in planning, zoning, taxing, elections, police or fire, E-911,  
1246 public works, transportation or related activities. However, if  
1247 any such document does not bear the seal and signature of a  
1248 professional surveyor, the document shall not be considered to be  
1249 certifiably accurate as to position or location, nor shall the  
1250 document be considered to be an official survey.

1251 (2) In addition to the exemptions provided in subsection  
1252 (1), there is hereby granted and reserved to the board the  
1253 authority to exempt from this chapter by regulations specific  
1254 engineering or surveying tasks or functions performed by regular  
1255 full-time employees of manufacturing, public utility, research and  
1256 development, railroad or other industrial corporations rendered in  
1257 the course and scope of their employment, on a case by case basis,  
1258 if, in the opinion of the board, the public health and welfare is  
1259 not endangered nor the engineering or surveying professions  
1260 diminished.

1261 **SECTION 26.** Sections 73-13-71, 73-13-73, 73-13-75, 73-13-77,  
1262 73-13-79, 73-13-81, 73-13-83, 73-13-85, 73-13-87, 73-13-89,



1263 73-13-93, 73-13-95, 73-13-97, 73-13-103 and 73-13-105, Mississippi  
1264 Code of 1972, which provide for the licensure of land surveyors,  
1265 are repealed.

1266 **SECTION 27.** Section 19-27-1, Mississippi Code of 1972, is  
1267 amended as follows:

1268 19-27-1. There shall be elected for each county a surveyor  
1269 who shall take and subscribe the oath of office prescribed by the  
1270 Constitution and give bond, with sufficient surety, to be payable,  
1271 conditioned and approved as provided by law and in the same manner  
1272 as other county officials, in a penalty not less than Fifty  
1273 Thousand Dollars (\$50,000.00).

1274 From and after January 1, 1984, such surveyor shall be a  
1275 registered land surveyor as provided for in Sections \* \* \* 73-13-1  
1276 through 73-13-49. However, this requirement shall not apply to  
1277 any person who was holding the office of county surveyor by either  
1278 election or appointment on December 31, 1983.

1279 **SECTION 28.** Section 73-63-5, Mississippi Code of 1972, is  
1280 amended as follows:

1281 73-63-5. The following words shall have the meanings  
1282 ascribed in this section, unless the context clearly indicates  
1283 otherwise:

1284 (a) "Board" means the board of registered professional  
1285 geologists created under this chapter.

1286 (b) "Certified geologist" means a geologist who has  
1287 been certified by a professional geologic organization, society or



1288 association, including, but not limited to, the American  
1289 Association of Petroleum Geologists and the American Institute of  
1290 Professional Geologists, which has certification requirements  
1291 recognized by the board.

1292 (c) "Fund" means the registered professional geologists  
1293 fund created under Section 73-63-21.

1294 (d) "Geologist" means an individual who, by reason of  
1295 knowledge of geology, mathematics and the supporting physical and  
1296 life sciences acquired by education and practical experience, is  
1297 qualified to engage in the practice of geology.

1298 (e) "Geologist-in-training" means an individual who has  
1299 met the academic qualifications established by the board, who has  
1300 successfully passed a written examination demonstrating a  
1301 knowledge of the fundamentals of geology, and who has been  
1302 enrolled as a geologist-in-training by the board.

1303 (f) "Geology" means the science which includes the  
1304 study of the earth and its origin and history. Geology includes  
1305 the investigation of the earth's constituent rocks, minerals,  
1306 solids and fluids, including surface and underground waters, gases  
1307 and other materials and the study of the natural agents, forces  
1308 and processes which cause changes in the earth.

1309 (g) "Person" means any individual, trust, firm, joint  
1310 stock company, public or private corporation (including a  
1311 government corporation), partnership, association, state, or any  
1312 agency or institution thereof, municipality, commission, political



1313 subdivision of a state or any interstate body, and includes any  
1314 officer or governing or managing body of any municipality,  
1315 political subdivision, or the United States or any officer or  
1316 employee thereof.

1317 (h) "Practice of geology" means any professional  
1318 service to determine and evaluate the geology of the earth  
1319 requiring geologic education, training, experience and the  
1320 application of special knowledge of the mathematical, physical and  
1321 geologic sciences to those services, including, but not limited  
1322 to, consultation, investigation, evaluation, planning, surveying  
1323 (unless licensed under Sections \* \* \* 73-13-1 through 73-13-49),  
1324 mapping and inspection of geologic work.

1325 (i) "Registered professional geologist" means a  
1326 geologist who has met the academic and experience qualifications  
1327 established by the board and has been issued a certificate of  
1328 registration as a registered professional geologist by the board.

1329 (j) "Registrant" means any individual who holds a  
1330 certificate of registration or certificate of enrollment issued  
1331 under this chapter.

1332 (k) "Responsible charge" means the independent control  
1333 and direction, by use of initiative, skill and independent  
1334 judgment, of geologic work or the supervision of that work.

1335 (l) "Subordinate" means any individual who assists in  
1336 the practice of geology by a registered professional geologist  
1337 without assuming the responsible charge of the work.



1338           (m) "Specialty" means any branch or discipline of  
1339 geology that may be recognized under this chapter or regulations  
1340 promulgated by the board for certifying specialization in a  
1341 specific geologic field of study or related scientific field of  
1342 study, or both.

1343           (n) "Welfare" means physical and financial welfare.

1344       **SECTION 29.** Section 85-7-401, Mississippi Code of 1972, is  
1345 amended as follows:

1346       85-7-401. The following words and phrases shall have the  
1347 meanings ascribed herein unless the context clearly indicates  
1348 otherwise:

1349           (a) "Business day" means any day that is not a  
1350 Saturday, Sunday, or legal holiday.

1351           (b) "Contractor" means a contractor having privity of  
1352 contract with the owner or lessee of the real estate.

1353           (c) "Lien action" means a civil action against the  
1354 owner of improved property to perfect and make permanent the lien  
1355 created by Section 85-7-403.

1356           (d) "Payment action" means a lawsuit, proof of claim in  
1357 a bankruptcy case, or a binding arbitration.

1358           (e) "Professional surveyor" has the meaning given in  
1359 Section \* \* \* 73-13-3.

1360           (f) "Materials" means materials, tools, appliances,  
1361 machinery, or equipment used in making improvements to the real  
1362 estate.



1363 (g) "Materialmen" or "materialman" means all persons  
1364 furnishing the materials, tools, appliances, machinery, or  
1365 equipment included in the definition of materials to a contractor  
1366 or to a subcontractor in privity with the contractor.

1367 (h) "Professional engineer" has the meaning given in  
1368 Section 73-13-3.

1369 (i) "Residential property" means single-family and  
1370 two-family, three-family, and four-family residential real estate.

1371 (j) "Statutory overnight delivery" means delivery of a  
1372 document through the United States Postal Service or through a  
1373 commercial firm that is regularly engaged in the business of  
1374 document delivery or document and package delivery in which the  
1375 sender:

1376 (i) Has directed that delivery be not later than  
1377 the next business day following the day on which the document is  
1378 received for delivery by the United States Postal Service or the  
1379 commercial firm; and

1380 (ii) Receives a receipt acknowledging receipt of  
1381 the document signed by addressee or an agent of the addressee.

1382 (k) "Subcontractor" means subcontractors having privity  
1383 of contract with the contractor; "subcontractor" also means  
1384 subcontractors having privity of contract with a subcontractor  
1385 having privity of contract with the contractor.

1386 (l) "Registered architect" has the meaning given in  
1387 Section 73-1-3.





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

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

97-17-85. Except as otherwise provided in Sections \* \* \*  
73-13-47 and 49-7-79, if any person shall go upon the enclosed  
land of another without his consent, after having been notified by  
such person or his agent not to do so, either personally or by  
published or posted notice, or shall remain on such land after a  
request by such person or his agent to depart, he shall, upon  
conviction, be fined not more than Fifty Dollars (\$50.00) for such  
offense. The provisions of this section shall apply to land not  
enclosed where the stock law is in force.

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

97-17-93. (1) Any person who knowingly enters the lands of  
another without the permission of or without being accompanied by  
the landowner or the lessee of the land, or the agent of such  
landowner or lessee, shall be guilty of a misdemeanor and, upon  
conviction, shall be punished for the first offense by a fine of  
Two Hundred Fifty Dollars (\$250.00). Upon conviction of any  
person for a second or subsequent offense, the offenses being  
committed within five (5) years of the last offense, such person  
shall be punished by a fine of Five Hundred Dollars (\$500.00), and  
may be imprisoned in the county jail for a period of not less than



1413 ten (10) nor more than thirty (30) days, or by both such fine and  
1414 imprisonment. This section shall not apply to the landowner's or  
1415 lessee's family, guests, or agents, to a surveyor as provided in  
1416 Section \* \* \* 73-13-47, or to persons entering upon such lands for  
1417 lawful business purposes.

1418 (2) (a) It shall be the duty of sheriffs, deputy sheriffs,  
1419 constables and conservation officers to enforce this section.

1420 (b) Such officers shall enforce this section by issuing  
1421 a citation to those charged with trespassing under this section.

1422 (3) The provisions of this section are supplementary to the  
1423 provisions of any other statute of this state.

1424 (4) A prosecution under the provisions of this section shall  
1425 be dismissed upon the request of the landowner, lessee of the land  
1426 or agent of such landowner or lessee, as the case may be.

1427 **SECTION 32.** Section 97-17-97, Mississippi Code of 1972, is  
1428 amended as follows:

1429 97-17-97. (1) Except as otherwise provided in Section \* \* \*  
1430 73-13-47, if any person or persons shall without authority of law  
1431 go into or upon or remain in or upon any building, premises or  
1432 land of another, including the premises of any public housing  
1433 authority after having been banned from returning to the premises  
1434 of the housing authority, whether an individual, a corporation,  
1435 partnership, or association, or any part, portion or area thereof,  
1436 after having been forbidden to do so, either orally or in writing  
1437 including any sign hereinafter mentioned, by any owner, or lessee,



1438 or custodian, or other authorized person, or by the administrators  
1439 of a public housing authority regardless of whether or not having  
1440 been invited onto the premises of the housing authority by a  
1441 tenant, or after having been forbidden to do so by such sign or  
1442 signs posted on, or in such building, premises or land, or part,  
1443 or portion, or area thereof, at a place or places where such sign  
1444 or signs may be reasonably seen, such person or persons shall be  
1445 guilty of a misdemeanor, and, upon conviction thereof, shall be  
1446 punished by a fine of not more than Five Hundred Dollars (\$500.00)  
1447 or by confinement in the county jail not exceeding six (6) months,  
1448 or by both such fine and imprisonment.

1449 (2) The provisions of this section are supplementary to the  
1450 provisions of any other statute of this state.

1451 **SECTION 33.** This act shall take effect and be in force from  
1452 and after July 1, 2025.

