

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:



58 73-13-3. (1) The term "engineer" as used in * * * this
59 chapter shall mean a professional engineer as hereinafter defined.

60 (2) 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 (3) 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 (4) The term "practice of engineering" within the meaning
69 and intent of * * * this chapter shall mean any service or
70 creative 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 impact
74 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 (5) The term "surveyor" as used in this chapter means a
106 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 (i) Determining by performing geodetic surveys

133 the size and shape of the earth or the position of any point on
134 the earth;

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.



(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



256 described in this chapter for the previous ten (10) years. Each
257 year of teaching engineering or surveying in a school or college
258 shall be equivalent to a year of responsible charge of engineering
259 or surveying work. Not more than two (2) members of the board at
260 any time may be teachers of engineering in the universities or
261 colleges of the state. All members of the board shall be licensed
262 professional engineers or licensed professional surveyors, as the
263 case may be.

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

266 73-13-9. Each member of the board shall receive per diem in
267 accordance with Section 25-3-69 when actually attending to the
268 work of the board or any of its committees, and shall be
269 reimbursed for traveling expenses in accordance with Section
270 25-3-41 in carrying out the provisions of * * * this chapter.

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

273 73-13-11. The Governor may remove any member of the board
274 for misconduct, incompetency, neglect of duty, failure to attend
275 two (2) consecutive quarterly meetings, or for any other
276 sufficient cause. * * *

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

279 73-13-13. The board shall hold at least * * * four (4)
280 regular quarterly meetings each year * * *. Special meetings

281 shall be held at such time as the regulations of the board may
282 provide. Notice of all meetings shall be given in such manner as
283 the regulations of the board may provide. The board shall elect
284 annually, at a regular or special meeting, the following officers:
285 a president, a vice president, and a secretary. A quorum of the
286 board shall consist of not less than five (5) members.

287 **SECTION 8.** Section 73-13-15, Mississippi Code of 1972, is
288 amended as follows:

289 73-13-15. The board shall have the power to adopt and amend
290 all regulations and rules of procedure, not inconsistent with the
291 Constitution and laws of this state, which may be reasonably
292 necessary for the proper performance of its duties and the
293 regulations of the proceedings before it. The board shall adopt
294 and have an official seal. It shall not be required to post bond
295 on appeals. The board shall have the further power and authority
296 to:

- 297 (a) Establish standards of conduct and ethics;
- 298 (b) Institute proceedings in its own name;
- 299 (c) Promulgate rules restricting competitive bidding;
- 300 (d) Promulgate rules limiting or restricting
301 advertising;
- 302 (e) Promulgate rules requiring a demonstration of
303 continuing education;



304 (f) Adopt and promulgate reasonable bylaws and rules
305 and regulations necessary or appropriate for the proper
306 fulfillment of its duties under state laws pertaining thereto;

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

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

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

324 In carrying into effect the provisions of * * * this chapter,
325 the board, under the hand of its president or secretary and the
326 seal of the board may subpoena witnesses and compel their
327 attendance, and also may require the production of * * * records
328 and data in any case involving the disciplinary actions provided



329 for in * * * this chapter or practicing or offering to practice
330 without licensure. Any member of the board may administer oaths
331 or affirmations to witnesses appearing before the board. If any
332 person shall refuse to obey any subpoena so issued, or shall
333 refuse to testify or produce any * * * records or data, the board
334 may present its petition to such authority as may have
335 jurisdiction, setting forth the facts, and thereupon such
336 authority shall, in a proper case, issue its subpoena to such
337 person, requiring * * * their attendance before such authority and
338 there to testify or to produce such * * * records and data, as may
339 be deemed necessary and pertinent by the board. Any person
340 failing or refusing to obey the subpoena or order of the said
341 authority may be proceeded against in the same manner as for
342 refusal to obey any other subpoena or order of the authority.

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

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

351 73-13-17. (1) The board shall keep an account of all monies
352 derived from the operation of * * * this chapter. All fees and
353 any other monies received by the board shall be deposited in a



354 special fund that is created in the State Treasury and shall be
355 used for the implementation and administration of * * * this
356 chapter when appropriated by the Legislature for such purpose.
357 The monies in the special fund shall be subject to all provisions
358 of the state budget laws that are applicable to special fund
359 agencies, and disbursements from the special fund shall be made by
360 the State Treasurer only upon warrants issued by the State Fiscal
361 Officer upon requisitions signed by the executive director of the
362 board and countersigned by the secretary of the board. Any
363 interest earned on this special fund shall be credited by the
364 State Treasurer to the fund and shall not be paid into the State
365 General Fund. Any unexpended monies remaining in the special fund
366 at the end of a fiscal year shall not lapse into the State General
367 Fund. The State Auditor shall audit the financial affairs of the
368 board and the transactions involving the special fund at least
369 once a year in the same manner as for other special fund agencies.

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



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

380 (3) The board shall employ an executive director and may
381 employ such clerical or other assistants as are necessary for the
382 proper performance of its work, and may make expenditures for any
383 purpose which in the opinion of the board are reasonably necessary
384 for the proper performance of its duties under this chapter.

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

387 73-13-19. The board shall keep a record of its proceedings
388 and a register of all applications for licensure, which register
389 shall show (a) the name, age and residence of such applicant, (b)
390 the date of the application, (c) the place of business of such
391 applicant, (d) * * * their educational and other qualifications,
392 (e) whether or not an examination was required, (f) whether the
393 applicant was rejected, (g) whether a * * * license was granted,
394 (h) the date of the action of the board, and (i) such other
395 information as may be deemed necessary by the board.

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

401 Annually, on or before March 15, the board shall submit to
402 the Governor a report of its transactions of the preceding year,

403 and shall file with the Secretary of State a copy of such report
404 of the board, attested by affidavits of its president and its
405 secretary.

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

408 73-13-21. A roster showing the names and places of business
409 or residence of all licensed professional engineers and licensed
410 professional surveyors and licensed firms shall be * * *
411 maintained by the board.

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

414 73-13-23. (1) (a) The following shall be considered as
415 minimum evidence satisfactory to the board that the applicant is
416 qualified for licensure as a professional engineer:

417 Graduation in an engineering curriculum of four (4) years or
418 more from a school or college approved by the board as of
419 satisfactory standing or graduation in an engineering, engineering
420 technology, or related science curriculum of four (4) scholastic
421 years from a school or college other than those approved by the
422 board plus a graduate degree in an engineering curriculum from a
423 school or college wherein the same engineering curriculum at the
424 undergraduate level is approved by the board as of satisfactory
425 standing; a specific record of four (4) years of qualifying
426 engineering experience indicating that the applicant is competent
427 to practice engineering (in counting years of experience, the



428 board at its discretion may give credit not in excess of three (3)
429 years for satisfactory graduate study in engineering), and the
430 successful passing of examinations in engineering as prescribed by
431 the board.

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

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

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

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

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

451 (a) Graduation in an engineering curriculum of four (4)
452 scholastic years or more from a school or college approved by the



453 board as of satisfactory standing or graduation in an engineering,
454 engineering technology, or related science curriculum of four (4)
455 scholastic years from a school or college other than those
456 approved by the board plus a graduate degree in an engineering
457 curriculum from a school or college wherein that same engineering
458 curriculum at the undergraduate level is approved by the board as
459 of satisfactory standing; and

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

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

465 (a) (i) A bachelor's degree in geomatics, surveying or
466 surveying technology approved by the board consisting of a minimum
467 of one-hundred-twenty-semester hours, or the equivalent, in
468 surveying curriculum subjects and a specific record of four (4)
469 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

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



503 semester hours in surveying curriculum subjects as defined by
504 board rule; or
505 (v) A high school diploma, or its equivalent, and
506 a specific record of eight (8) years or more of qualifying
507 surveying experience; and
508 (b) Successfully passing examinations in surveying
509 fundamentals prescribed by the board.
510 (5) No person shall be eligible for licensure as a
511 professional surveyor who is not of good character and reputation,
512 as defined in the board's Code of Professional Conduct.
513 **SECTION 13.** Section 73-13-25, Mississippi Code of 1972, is
514 amended as follows:
515 73-13-25. Applications for enrollment as an engineer
516 intern * * *, surveyor intern, licensure as a professional
517 engineer, or licensure as a professional surveyor shall be on the
518 forms prescribed and furnished by the board, shall contain
519 statements made under oath, showing the applicant's education and
520 detailed summary of the applicant's qualifying experience.
521 Applications for licensure or relicensure as a professional
522 engineer shall also contain not less than five (5) references, of
523 whom three (3) or more shall be engineers having personal
524 knowledge of the applicant's engineering experience. Application
525 for licensure or relicensure as a professional surveyor shall also
526 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



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

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

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

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

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



577 board and has been enrolled as a "surveyor intern." Certificates
578 shall show the full name, shall have a * * * license or enrollment
579 number, and shall be signed by the president and the secretary of
580 the board under seal of the board.

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

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

594 Plans, specifications and reports prepared by a * * *
595 licensed engineer shall be stamped with the seal * * *, but it
596 shall be unlawful for anyone to stamp or seal any documents with
597 the seal after the * * * license is expired or revoked, or while
598 the * * * license is suspended. It shall be unlawful for anyone
599 other than the licensee to whom the seal has been issued to stamp
600 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



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

773 When payment of a monetary penalty assessed and levied by the
774 board in accordance with this section is not paid when due, the
775 board shall have the power to institute and maintain proceedings
776 in its name for enforcement of payment in the chancery court of
777 the county and judicial district of residence of the guilty party
778 and if the guilty party be a nonresident of the State of
779 Mississippi, such proceedings shall be in the Chancery Court of
780 the First Judicial District of Hinds County, Mississippi.

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

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

793 (8) The power and authority of the board to assess and levy
794 the monetary penalties provided for in this section shall not be
795 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 licensure 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 supersedesas, 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



870 members as provided in * * * this chapter and shall receive
871 compensation as provided for board members in * * * this chapter.

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

874 73-13-39. Any person or firm who shall practice, or offer to
875 practice, engineering or surveying in this state without being
876 licensed in accordance with the provisions of * * * this chapter,
877 or any person presenting or attempting to use as * * * their own
878 the * * * license or seal of another, or any person who shall give
879 any false or forged evidence of any kind to the board or to any
880 member thereof in obtaining a * * * license, or any person who
881 shall falsely impersonate any other licensee of like or different
882 name, or any person or firm who shall attempt to use an expired or
883 revoked * * * license, or any person or firm who shall violate any
884 of the provisions of * * * this chapter, shall be guilty of a
885 misdemeanor, and shall, upon conviction, be sentenced to pay a
886 fine of not less than One Hundred Dollars (\$100.00), nor more than
887 Five Thousand Dollars (\$5,000.00) in addition to reimbursement of
888 investigative expenses and court costs, or suffer imprisonment for
889 a period not exceeding three (3) months, or both. The criminal
890 penalties provided for in this section may be assessed in addition
891 to those civil penalties provided for in * * * this chapter.

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

994 (a) Directly or indirectly employ, use, cause to be
995 used or make use of any of the following terms or any
996 combinations, variations or abbreviations thereof as a
997 professional, business or commercial identification, title, name,
998 representation, claim, asset or means of advantage or benefit:
999 "engineer," "professional engineer," "licensed engineer,"
999 "registered engineer," "registered professional engineer,"
999 "licensed professional engineer," "engineered," "engineering,"
999 "surveyor," "professional surveyor," "licensed surveyor,"
999 "registered surveyor," "registered professional surveyor,"
999 "licensed professional surveyor," "surveyed," "surveying,"
999 "professional land surveyor" or "licensed professional land
999 surveyor"; 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



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

923 It shall be the duty of all duly constituted officers of the
924 law of this state, or any political subdivision thereof, to
925 enforce the provisions of * * * this chapter and to prosecute any
926 persons violating same. Except as otherwise authorized in Section
927 7-5-39, the Attorney General of the state or * * * their assistant
928 shall act as legal advisor of the board in carrying out the
929 provisions of * * * this chapter.

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

932 73-13-41. * * * Any person who may feel aggrieved by an
933 action of the board denying or revoking their license or
934 relicensure as a professional engineer, professional surveyor,
935 enrollment as a professional engineer or enrollment as surveyor
936 intern may appeal therefrom to the chancery court of the county of
937 residence of such person and, after full hearing, the court shall
938 make such order sustaining or reversing the action of the board as
939 it may seem just and proper. However, in case of a nonresident
940 licensee or applicant, such appeal shall be taken or made to the
941 Chancery Court of the First Judicial District of Hinds County,
942 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

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

995 Each certificate of * * * authority will expire on December
996 31 of the end of the renewal period year. It shall be the duty of
997 the board to notify every corporation, firm or partnership holding
998 a certificate of authority under * * * this chapter of the date of
999 the expiration of the certificate and the amount of the fee that
1000 shall be required for its renewal for one (1) year or two (2)
1001 years. The renewal fee shall not exceed * * * Three Hundred Fifty
1002 Dollars (\$350.00) for one (1) year or * * * Seven Hundred Dollars
1003 (\$700.00) for two (2) years; penalties for late renewal shall be
1004 ten percent (10%) per month that payment is delayed.
1005 Additionally, if any of the information on the initial or any
1006 subsequent renewal application changes for the corporation, firm
1007 or partnership, said corporation, firm or partnership shall notify
1008 the board in the form and manner prescribed by the board within
1009 thirty (30) days of the change.

1010 * * * The Secretary of State shall not issue a certificate
1011 of incorporation, licensure or authorization to an applicant or
1012 licensure as a foreign firm to a corporation, firm or partnership
1013 which includes in its name, or among the objectives for which it
1014 is established, any of the words, "engineer," "engineering,"
1015 "surveyor," "surveying," or any modification or derivation
1016 thereof, unless the board has issued for said applicant a



1017 certificate of authority or a letter indicating the eligibility of
1018 such applicant to receive such a certificate. The corporation,
1019 firm or partnership applying shall supply such certificate or
1020 letter from the board with its application for incorporation,
1021 licensure or authorization to the Secretary of State.

1022 An engineer or surveyor who renders occasional, part-time or
1023 consulting engineering services to or for a corporation, firm or
1024 partnership may not, for the purposes of this section, be
1025 designated as being responsible for the professional activities of
1026 the firm.

1027 No such corporation, firm or partnership shall be relieved of
1028 responsibility for the conduct or acts of its agents, employees,
1029 officers, partners, members or managers by reason of its
1030 compliance with the provisions of this section. No individual
1031 practicing engineering or practicing surveying under this chapter
1032 shall be relieved of responsibility for engineering services or
1033 surveying services performed by reason of employment or other
1034 relationship with a firm holding * * * a certificate of authority.

1035 **SECTION 23.** Section 73-13-45, Mississippi Code of 1972, is
1036 amended as follows:

1037 73-13-45. (1) (a) Neither the state, nor any of its
1038 political subdivisions, such as a county, city or town, shall
1039 award construction contracts of any public work involving the
1040 practice of engineering or architecture unless the plans,
1041 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

1091 effect or enforced by any court of this state or by any of its
1092 officers or employees.

1093 (d) Nothing in this subsection shall affect the
1094 validity of any contract in existence prior to July 1, 1989.

1095 (e) For purposes of this section, the term
1096 "professional engineering services" means those within the scope
1097 of the practice of professional engineering as defined by * * *
1098 this chapter, or those performed by any registered professional
1099 engineer in connection with professional employment or practice.

1100 **SECTION 24.** The following shall be codified as Section
1101 73-13-47, Mississippi Code of 1972:

1102 73-13-47. (1) For the purposes of this section, the term
1103 "surveyor" means a licensed professional surveyor as defined in
1104 this chapter, and any person who is employed by or under the
1105 direct supervision of a professional surveyor licensed under this
1106 chapter.

1107 (2) A surveyor may enter in or upon public or private lands
1108 or waters, except buildings, while in the lawful performance of
1109 surveying duties without criminal liability for trespass; however,
1110 a surveyor shall make a good faith attempt to announce and
1111 identify themselves and their intentions before entering upon
1112 private property and must present documentation sufficient to
1113 identify themselves as a surveyor to anyone requesting such
1114 identification.

1115 (3) The provisions of this section do not relieve a surveyor
1116 from any civil liability that otherwise is actionable at law or in
1117 equity, and do not relieve a surveyor from criminal liability for
1118 trespass if the entry in or upon the property extends beyond the
1119 property or area that is necessary to actually perform the
1120 surveying duties.

1121 (4) Surveyors shall be personally liable for any damage
1122 caused to private property when exercising entry under this
1123 section. No cause of action shall lie against a landowner for
1124 damages to a surveyor while on such lands unless the damage is
1125 caused by the intentional tortious conduct of landowner or their
1126 agent.

1127 **SECTION 25.** The following shall be codified as Section
1128 73-13-49, Mississippi Code of 1972:

1129 73-13-49. (1) This chapter shall not be construed to
1130 prevent or to affect:

1131 (a) The practice of any other legally recognized
1132 profession or trade, such as: (i) engineers employed by
1133 contractors to supervise work on which a licensed engineer is
1134 engaged; (ii) architects who are registered under the provisions
1135 of Title 73, Chapter 1; and (iii) the practice of geology as
1136 regulated pursuant to Title 73, Chapter 63;

1137 (b) The work of an employee or a subordinate of a
1138 person holding a license under this chapter, provided such work
1139 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



1189 performed by public utilities or their officers or employees when
1190 such services are rendered to nonaffiliated third parties in
1191 exchange for compensation other than that received from their
1192 employer, or the use of any name, title or words which tend to
1193 convey the impression that a nonlicensee is offering engineering
1194 or surveying services to the public; and (ii) services which are
1195 required to be performed, approved or certified by a professional
1196 engineer or professional surveyor pursuant to law or regulation
1197 whether federal, state or local, other than this chapter hereof or
1198 any applicable rules or regulations promulgated by the Mississippi
1199 Board of Licensure for Professional Engineers and Surveyors.

1200 It is further stated that this paragraph (e) is intended to
1201 codify the policy and practices of the board at the time of
1202 enactment of Senate Bill No. 2380, 1999 Regular Session, and that
1203 any ambiguities in this subsection should be construed in
1204 accordance with this intent;

1205 (f) The practice of engineering shall not include the
1206 work ordinarily performed by persons who operate or maintain
1207 machinery, equipment, water plants, power generation, utility
1208 transmission, utility distribution facilities, sewage plants and
1209 solid waste disposal facilities;

1210 (g) Activities conducted during the course of, or in
1211 anticipation of, litigation including, but not exclusively:
1212 analyzing, evaluating, consulting, reconstructing, testing,
1213 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 (1) "Registered architect" has the meaning given in
1387 Section 73-1-3.



1388 (m) "Design professional" includes professional
1389 surveyors, professional engineers and registered architects.

1390 **SECTION 30.** Section 97-17-85, Mississippi Code of 1972, is
1391 amended as follows:

1392 97-17-85. Except as otherwise provided in Sections * * *

1393 73-13-47 and 49-7-79, if any person shall go upon the enclosed

1394 land of another without his consent, after having been notified by

1395 such person or his agent not to do so, either personally or by

1396 published or posted notice, or shall remain on such land after a

1397 request by such person or his agent to depart, he shall, upon

1398 conviction, be fined not more than Fifty Dollars (\$50.00) for such

1399 offense. The provisions of this section shall apply to land not

1400 enclosed where the stock law is in force.

1401 **SECTION 31.** Section 97-17-93, Mississippi Code of 1972, is
1402 amended as follows:

1403 97-17-93. (1) Any person who knowingly enters the lands of
1404 another without the permission of or without being accompanied by
1405 the landowner or the lessee of the land, or the agent of such
1406 landowner or lessee, shall be guilty of a misdemeanor and, upon
1407 conviction, shall be punished for the first offense by a fine of
1408 Two Hundred Fifty Dollars (\$250.00). Upon conviction of any
1409 person for a second or subsequent offense, the offenses being
1410 committed within five (5) years of the last offense, such person
1411 shall be punished by a fine of Five Hundred Dollars (\$500.00), and
1412 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.

