

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 618

1 AN ACT TO REENACT SECTIONS 73-13-1 THROUGH 73-13-45 AND
2 73-13-71 THROUGH 73-13-97, MISSISSIPPI CODE OF 1972, WHICH CREATE
3 THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND
4 LAND SURVEYORS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND
5 SECTION 73-13-99, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF
6 THE REPEALER ON THOSE REENACTED SECTIONS AND TO INCLUDE SECTION
7 73-13-103, MISSISSIPPI CODE OF 1972, WITHIN THE REPEALER; TO BRING
8 FORWARD SECTION 73-13-103, MISSISSIPPI CODE OF 1972, WHICH
9 PROVIDES THAT LAND SURVEYORS SHALL BE IMMUNE FROM CRIMINAL
10 LIABILITY FOR TRESPASS WHILE IN THE LAWFUL PERFORMANCE OF
11 SURVEYING DUTIES; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 73-13-1, Mississippi Code of 1972, is
14 reenacted as follows:

15 73-13-1. In order to safeguard life, health, and property,
16 and to promote the public welfare, any person in either public or
17 private capacity practicing or offering to practice engineering
18 shall hereafter be required to submit evidence that he is
19 qualified so to practice engineering and shall be registered as
20 hereinafter provided; and it shall be unlawful for any person to
21 practice or to offer to practice in this state, engineering, as
22 defined in the provisions of Sections 73-13-1 through 73-13-45, or
23 to use in connection with his name or otherwise assume, use, or
24 advertise any title or description tending to convey the
25 impression that he is a professional engineer, unless such person
26 has been duly registered under the provisions of Sections 73-13-1
27 through 73-13-45. There is specifically reserved to engineering
28 graduates of all universities and colleges accredited by a
29 regional accrediting body that is recognized by the United States
30 Department of Education, the right to disclose any college degrees
31 received by such individuals and use the words "graduate engineer"

on his stationery, business cards, and personal communications of any character.

SECTION 2. Section 73-13-3, Mississippi Code of 1972, is reenacted as follows:

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

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

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

The term "practice of engineering" within the meaning and intent of Sections 73-13-1 through 73-13-45 shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purposes of assuring compliance with specifications and design, in connection with any public or private structures, buildings, machines, utilities, equipment, processes, works, or projects.

A person shall be construed to practice or offer to practice engineering within the meaning and intent of Sections 73-13-1 through 73-13-45, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as

70 engineering.

71 The practice of engineering shall not include the work
72 ordinarily performed by persons who operate or maintain:
73 machinery, equipment, water plants, light plants, and sewage
74 plants.

75 The term "board" as used in Sections 73-13-1 through 73-13-45
76 shall mean the State Board of Registration for Professional
77 Engineers and Land Surveyors provided for by said sections.

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

80 73-13-5. A State Board of Registration for Professional
81 Engineers and Land Surveyors is hereby created whose duty it shall
82 be to administer the provisions of Sections 73-13-1 through
83 73-13-97. The board shall consist of five (5) registered
84 professional engineers, who shall be appointed by the Governor
85 from fifteen (15) nominees recommended by the Mississippi
86 Engineering Society, and shall have the qualifications required by
87 Section 73-13-7, and two (2) registered professional land
88 surveyors who are not registered professional engineers, who shall
89 be appointed by the Governor from six (6) nominees recommended by
90 the Mississippi Association of Land Surveyors and who shall have
91 the qualifications required by Section 73-13-77. The members of
92 the board shall be appointed from the above nominees. The board
93 so appointed shall have one (1) engineer member from each of the
94 three (3) State Supreme Court districts, and two (2) engineer
95 members appointed from the state at large to serve the following
96 terms: the three (3) members first appointed from the three (3)
97 Supreme Court districts shall serve for four (4) years and the two
98 (2) members first appointed from the state at large shall serve
99 two (2) years, from the date of their appointment, or until their
100 successors are duly appointed and qualified, and the members
101 recommended by the Mississippi Association of Land Surveyors shall
102 be appointed from the state at large and serve for four (4) years,
103 or until their successors are duly appointed and qualified. Each

member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of four (4) years a registered professional engineer having the qualifications required by Section 73-13-7, or a registered professional land surveyor having the qualifications required by Section 73-13-77 to take the place of the member of the board whose term is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

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

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

SECTION 4. Section 73-13-7, Mississippi Code of 1972, is reenacted as follows:

73-13-7. Each member of the board shall be a citizen of the United States and shall have been a resident of the state for at least five (5) years prior to the appointment. He shall be at least thirty-two (32) years of age, shall have been engaged in the practice of engineering or land surveying, as the case may be, for at least ten (10) years and shall have been in responsible charge of important engineering or land surveying work, as the case may be, for at least five (5) years. Each year of teaching engineering or land surveying in a school or college shall be

equivalent to a year of responsible charge of engineering or land 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 registered professional engineers or registered professional land surveyors, as the case may be.

SECTION 5. Section 73-13-9, Mississippi Code of 1972, is reenacted 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 Sections 73-13-1 through 73-13-97.

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

73-13-11. The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in Section 73-13-5.

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

73-13-13. The board shall hold at least two (2) regular meetings each year, in March and September. 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 four (4) members.

SECTION 8. Section 73-13-15, Mississippi Code of 1972, is reenacted 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) Authorize the preparation or a demonstration of continuing education programs with voluntary participation;
- (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 Section 73-13-37, including the imposition of fines as provided therein; and
- (i) Investigate, prosecute or initiate prosecution for violation of the laws of this state pertaining to the practices of engineering and land surveying, or matters affecting the rights and duties or otherwise related thereto.

In carrying into effect the provisions of Sections 73-13-1 through 73-13-97, 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 books, papers, documents, etc., in any case involving the

disciplinary actions provided for in Section 73-13-37 or 73-13-89 or practicing or offering to practice without registration. 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 books, papers, or documents, 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 his attendance before such authority and there to testify or to produce such books, papers, and documents, 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.

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

73-13-17. (1) The board shall keep an account of all monies derived from the operation of Sections 73-13-1 through 73-13-97. 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 Sections 73-13-1 through 73-13-97 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, he 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 Sections 73-13-1 through 73-13-97.

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

73-13-19. The board shall keep a record of its proceedings and a register of all applications for registration, 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) his educational and other qualifications, (e) whether or not an examination was required, (f) whether the applicant was rejected, (g) whether a certificate of registration 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 reenacted as follows:

73-13-21. A roster showing the names and places of business or residence of all registered professional engineers and registered professional land surveyors shall be prepared biennially by the board. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State and furnished to the public on request.

Registrants upon retirement may file a request biennially to be listed separately in the roster without payment of the renewal fee.

SECTION 12. Section 73-13-23, Mississippi Code of 1972, is reenacted 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 registration as a professional engineer:

(i) Graduation in an approved engineering curriculum of four (4) years or more from a school or college 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; or

(ii) A specific record of eight (8) years or more of qualifying engineering experience subsequent to graduation from

high school, indicating that the applicant is competent to practice engineering; and successfully passing examinations designed to show knowledge and skill approximating that attained through graduation in an approved four-year engineering curriculum, and to show competence in the use of such knowledge and skills in the practice of engineering. This subsection (1)(a)(ii) shall stand repealed from and after January 1, 2000.

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

(c) The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in subsection (1)(a)(ii) of this section. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two (2) years of experience under subsection (1)(a)(ii); however, no applicant shall receive credit for more than four (4) years of experience because of undergraduate educational qualifications. This subsection (1)(c) shall stand repealed from and after January 1, 2000.

(d) 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.

(e) Any person having the necessary qualifications prescribed in Sections 73-13-1 through 73-13-45 to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

(f) No person shall be eligible for registration as a professional engineer who is not of good character and reputation or who presents claims in support of his 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 accredited engineering curriculum of four (4) scholastic years or more from a school or college approved by the board as of satisfactory standing; and

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

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

73-13-25. Applications for enrollment as an engineer intern or for registration as a professional engineer 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 registration or reregistration 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.

The application fee for registration or reregistration as a professional engineer shall be determined by the board but shall not exceed Seventy-five Dollars (\$75.00), which fee shall accompany the application.

The application fee for enrollment as an engineer intern shall be determined by the board but shall not exceed Twenty-five Dollars (\$25.00), which fee shall accompany the application. Whenever an applicant is cited to an examination or reexamination, an additional fee equal to the actual cost of the examination shall be paid by the applicant.

Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64.

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

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

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

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

73-13-29. The board shall issue a certificate of registration upon payment of registration fee as provided for in Sections 73-13-1 through 73-13-45, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of said sections. In the case of a registered engineer, the certificate shall authorize the "practice of engineering". In the case of an engineer intern, the certificate 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" for a period of ten (10) years or until registration as a professional engineer, whichever comes first. Certificates shall show the full name, shall have a serial number, and shall be signed by the president and the secretary of the board under seal of the board.

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

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "registered professional engineer". Plans, specifications, plats, and reports prepared by a registrant shall be stamped with the seal during the life of the

registrant's certificate, but it shall be unlawful for anyone to stamp or seal any documents with the seal after the certificate of the registrant named thereon has expired or has been revoked, unless the certificate has renewed or reissued.

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

73-13-31. Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person registered under Sections 73-13-1 through 73-13-97, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year. Such notice shall be sent by first class mail to the last known address of the registrant at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee, as determined by the board, not to exceed Fifty Dollars (\$50.00). A person who is registered as a professional engineer and as a professional land surveyor may effect both renewals by the payment of a fee not to exceed Seventy-five Dollars (\$75.00). The failure on the part of any registrant to renew his certificate annually in the month of December as required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month, or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee. A state agency or any of the state's political subdivisions, such as a county or municipality, may pay the renewal fee of any registrant who is a full-time employee; provided, however, that any registrant who permits his/her renewal fee to be paid from any public funds shall not perform engineering or land surveying services for a fee or other emoluments for the

public or for any other public entity. If a registrant fails to renew his certificate within five (5) years from the date of expiration, he must pay the back fees and be reexamined by the board in principles and practice before his certificate will be reissued. The reexamination requirement may be waived by the board provided the applicant has continued to practice in another jurisdiction from the date of expiration of his certificate.

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

73-13-33. All professional engineers, registered in accordance with the provisions of Chapter 56 of the Laws of Mississippi of 1928, Extraordinary Session, and as amended under Senate Bill No. 383, Chapter 131, Laws of 1940, and whose certificates of registration are in effect at the time of passage of Sections 73-13-1 through 73-13-45, shall be entitled to all the rights and privileges of a registered professional engineer as provided for in those sections, while the said certificate remains unrevoked or unexpired.

SECTION 18. Section 73-13-35, Mississippi Code of 1972, is reenacted as follows:

73-13-35. The board may, upon application therefor and the payment of a fee in accordance with Section 73-13-25, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of Sections 73-13-1 through 73-13-45 and the rules established by the board.

SECTION 19. Section 73-13-37, Mississippi Code of 1972, is reenacted as follows:

73-13-37. (1) The board, upon satisfactory proof and in accordance with the provisions of this chapter and the implementing regulations of the board pertaining thereto, is authorized to take the disciplinary actions provided for

hereinafter against any person for any of the following reasons:

(a) Violating any of the provisions of Sections 73-13-1 through 73-13-45 or the implementing bylaws, rules, regulations, or standards of ethics or conduct duly adopted and promulgated by the board pertaining to the practice of engineering;

(b) Fraud, deceit or misrepresentation in obtaining a certificate of registration;

(c) Gross negligence, malpractice or incompetency;

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

(e) Practicing or offering to practice engineering on an expired certificate or while under suspension or revocation of certificate unless said suspension or revocation be abated through probation, as provided for hereinafter.

(2) Any person may prefer charges against any other person for committing any of the acts set forth in subsection (1). Such charges shall be sworn to, either upon actual knowledge or upon information and belief, and shall be filed with the board. In the event any person certified under Sections 73-13-1 through 73-13-45 is expelled from membership in any Mississippi professional engineering society or association, the board shall thereafter cite said person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against him.

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

No disciplinary action taken hereunder may be taken until the accused has been furnished both a statement of the charges against him and notice of the time and place of the hearing thereof, which

shall be personally served on or mailed by registered or certified mail, return receipt requested, to the last-known business or residence address of the accused not less than thirty (30) days prior to the date fixed for the hearing.

(3) At any hearing held hereunder, the board shall have the power to subpoena witnesses and compel their attendance and may also require the production of books, papers, documents, etc., as provided elsewhere in this chapter. The board is authorized to designate or secure a hearing officer to conduct the hearing. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of such transcriptions may be provided to any party to the proceedings at a cost to be fixed by the board.

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

Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

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

(4) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement

for further deliberation. The board shall render its decision not more than ninety (90) days after the close of the hearing, and shall forward to the last-known business or residence address of the accused, by certified or registered mail, return receipt requested, a written statement of the decision of the board.

If a majority of the board finds the accused guilty of the charges filed, the board may: (a) issue a public or private reprimand; (b) require the guilty party to complete a course, approved by the board, in ethics; (c) suspend or revoke the certificate of the accused, if the accused is a registrant; or (d) in lieu of or in addition to such reprimand, course completion, suspension or revocation, assess and levy upon the guilty party a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

(5) A monetary penalty assessed and levied under this section shall be paid to the board upon the expiration of the period allowed for appeal of such penalties under this section, 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 section, 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 bylaws, rules and regulations, or standards of conduct and ethics promulgated by the board.

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

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

(9) The board, for sufficient cause, may reissue a revoked certificate of registration whenever a majority of the board members vote to do so.

(10) Any person aggrieved by an action of the board denying or revoking his certificate of registration or re-registration as a professional engineer or his certificate of enrollment as an engineer intern, or who is aggrieved by the action of the board as a result of disciplinary proceedings conducted under this section may appeal therefrom to the chancery court of either the county wherein the appellant resides or the Chancery Court of the First Judicial District of Hinds County, at the election of the appellant. If the appellant is a nonresident of this state, the appeal shall be made to the Chancery Court of the First Judicial District of Hinds County. Such appeal shall be perfected before the board by the filing with the board of a notice of appeal to the chancery court. The court shall require a bond in an amount not to exceed Five Hundred Dollars (\$500.00) conditioned to pay all costs which may be adjudged against the appellant. The notice of appeal shall be filed not later than thirty (30) days after the decision of the board is forwarded to the guilty party, as provided hereinabove.

All appeals perfected hereunder shall act as a supersedeas,

and shall be made to the chancery court solely upon the record made before the board during the disciplinary hearing. When the appeal shall have been properly perfected as provided herein, the board shall cause the record of the proceedings conducted before it to be compiled, certified and filed with the chancery court. The chancellor may hear and determine the appeal during any regular term or in vacation.

(11) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the certificate of registration of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a certificate when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section.

Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

73-13-39. Any person who shall practice, or offer to practice, engineering in this state without being registered in accordance with the provisions of Sections 73-13-1 through 73-13-45, or any person presenting or attempting to use as his own

648 the certificate of registration or seal of another, or any person
649 who shall give any false or forged evidence of any kind to the
650 board or to any member thereof in obtaining a certificate of
651 registration, or any person who shall falsely impersonate any
652 other registrant of like or different name, or any person who
653 shall attempt to use an expired or revoked certificate of
654 registration, or any person who shall violate any of the
655 provisions of Sections 73-13-1 through 73-13-45, shall be guilty
656 of a misdemeanor, and shall, upon conviction, be sentenced to pay
657 a fine of not less than One Hundred Dollars (\$100.00), nor more
658 than One Thousand Dollars (\$1,000.00), or suffer imprisonment for
659 a period not exceeding three (3) months, or both.

660 Unless registered in accordance with the provisions of
661 Sections 73-13-1 through 73-13-45, no person shall:

662 (a) Directly or indirectly employ, use, cause to be
663 used or make use of any of the following terms or any
664 combinations, variations or abbreviations thereof as a
665 professional, business or commercial identification, title, name,
666 representation, claim, asset or means of advantage or benefit:
667 "engineer," "professional engineer," "licensed engineer,"
668 "registered engineer," "registered professional engineer,"
669 "licensed professional engineer," "engineered," "engineering"; or

670 (b) Directly or indirectly employ, use, cause to be
671 used or make use of any letter, abbreviation, word, symbol,
672 slogan, sign or any combinations or variations thereof which in
673 any manner whatsoever tends or is likely to create any impression
674 with the public or any member thereof that any person is qualified
675 or authorized to practice engineering; or

676 (c) Receive any fee or compensation or the promise of
677 any fee or compensation for performing, offering or attempting to
678 perform any service, work, act or thing which is any part of the
679 practice of engineering.

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

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

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 Sections 73-13-1 through 73-13-45 and to prosecute any persons violating same. The Attorney General of the state or his assistant shall act as legal advisor of the board in carrying out the provisions of Sections 73-13-1 through 73-13-45.

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

73-13-41. Sections 73-13-1 through 73-13-45 shall not be construed to prevent or to affect:

(a) The practice of any other legally recognized profession or trade, such as: (1) Engineers employed by contractors to supervise work on which a registered engineer is engaged; (2) Architects who are registered under the provisions of Chapter 1 of this Title; and (3) Persons engaged in surveying land, running boundary lines and other similar work as a surveyor; or

(b) The work of an employee or a subordinate of a person holding a certificate of registration under this act, provided such work does not include final designs or decisions and is done under the responsibility, checking and supervision of a person holding a certificate of registration under Sections 73-13-1 through 73-13-45; or

(c) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering for said government.

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

73-13-43. A corporation or partnership may engage in the practice of professional engineering in this state, providing the person or persons connected with such corporation or partnership

in charge of the designing, or supervision, which constitutes such practice, is or are registered as herein required of professional engineers. A corporation or partnership, when performing engineering services to the public for a fee or other emoluments, shall include in each agreement for such services the name and registration number of the professional engineer who will bear the primary responsibility for the engineering work involved. The same exemptions shall apply to corporations and partnerships as apply to individuals under Sections 73-13-1 through 73-13-45.

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

73-13-45. (1) (a) Neither the state, nor any of its political subdivisions, such as a county, city or town, shall award construction contracts of any public work involving the practice of engineering or architecture unless the plans, specifications and estimates have been prepared and such work supervised by a registered professional engineer or architect; provided, that nothing in this subsection shall be held to apply to such public work wherein the expenditure does not exceed Fifty Thousand Dollars (\$50,000.00); and provided further, that nothing in this subsection shall apply to any municipality wherein such public work is not financed in whole or in part through the issuance of bonds and let to public contract.

(b) The state and any of its political subdivisions, such as a county, city or town, may engage in construction of public buildings involving the practice of engineering or architecture and using political subdivision work forces without the supervision of a registered professional engineer or architect, provided that the total cost of the public building does not exceed One Hundred Thousand Dollars (\$100,000.00). This paragraph (1)(b) shall not supersede any rules and regulations promulgated by the State Department of Health and the Department of Environmental Quality.

(2) (a) In the awarding of public contracts for

professional engineering services, preference shall be given to resident professional engineers over those nonresident professional engineers domiciled in a state having laws which grant a preference to the professional engineers who are residents of that state. Nonresident professional engineers shall be awarded Mississippi public contracts only on the same basis as the nonresident professional's state awards contracts to Mississippi professional engineers under similar circumstances. When a nonresident professional engineer submits a proposal for a public project, he shall attach thereto a copy of his resident state's current statute, resolution, policy, procedure or executive order pertaining to such state's treatment of nonresident professional engineers. Resident professional engineers actually domiciled in Mississippi, be they corporate, individuals or partnerships, shall be granted preference over nonresidents in the awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident. As used in this section, the term "resident professional engineer" includes a nonresident person, firm or corporation that has been qualified to do business in this state and has maintained a permanent full-time office in the State of Mississippi for not less than two (2) years prior to submitting a proposal for a public project, and the subsidiaries and affiliates of such a person, firm or corporation.

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

(c) Any contract, agreement or arrangement for professional engineering services negotiated, made or entered into, directly or indirectly, by the state, counties, municipalities or any political subdivision thereof, or by any special districts, which is in any way in violation of the provisions of this subsection is hereby declared to be void as 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 Sections 73-13-1 through 73-13-45, or those performed by any registered professional engineer in connection with professional employment or practice.

SECTION 24. Section 73-13-71, Mississippi Code of 1972, is reenacted as follows:

73-13-71. (a) The term "board," as used in Sections 73-13-71 through 73-13-97, shall mean the State Board of Registration for Professional Engineers and Land Surveyors as provided for in Section 73-13-5 of this chapter.

(b) The term "professional land surveyor," as used in Sections 73-13-71 through 73-13-97, shall mean a person who engages in the practice of land surveying as hereinafter defined, whether in an individual capacity, or in behalf of or as an employee of any state, county, or municipal authority of the State of Mississippi.

(c) The term "land surveyor intern," as used in Sections 73-13-71 through 73-13-97, shall mean a candidate for registration as a professional land surveyor who has successfully passed the fundamentals of land surveying examination, has met the requirements of the board for enrollment, has received from the board a certificate stating that he has successfully passed this portion of the professional land surveying examinations and has been enrolled as a land surveyor intern.

(d) The practice of "land surveying," within the meaning and intent of Sections 73-13-71 through 73-13-97, is surveying of areas for their correct determination and description and for conveyancing, or for the establishment or re-establishment

of land boundaries and the plotting of lands and subdivisions thereof, and such other duties as traditional or sound surveying practices would direct.

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

73-13-73. No person shall practice land surveying without having first been duly and regularly registered by the State Board of Registration for Professional Engineers and Land Surveyors as a professional land surveyor as required by Sections 73-13-71 through 73-13-97, nor shall any person practice land surveying whose authority to practice is revoked by the said board.

SECTION 26. Section 73-13-75, Mississippi Code of 1972, is reenacted as follows:

73-13-75. The Mississippi State Board of Registration for Professional Engineers and Land Surveyors is hereby authorized and empowered to examine applicants for registration to practice land surveying; to register and issue certificates of registration to all applicants whom it deems qualified to practice land surveying in accordance with Sections 73-13-71 through 73-13-97; and to revoke certificates of registration for just cause as provided for in Sections 73-13-71 through 73-13-97.

SECTION 27. Section 73-13-77, Mississippi Code of 1972, is reenacted as follows:

73-13-77. (1) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional land surveyor:

(a) The successful completion of a curriculum of two (2) scholastic years or more from a school or college approved by the board as of satisfactory standing, including the completion of approved courses in surveying and related subjects; a specific record of three (3) years of qualifying land surveying experience indicating that the applicant is competent to practice land surveying; and successfully passing examinations in surveying prescribed by the board; or

(b) A specific record of seven (7) years' or more experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; and successfully passing examinations in surveying prescribed by the board.

No person shall be eligible for registration as a professional land surveyor who is not of good character and reputation.

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

(a) The successful completion of two (2) scholastic years or more from a school or college approved by the board as of satisfactory standing, including the completion of approved courses in land surveying and related subjects, and successfully passing an examination in the fundamentals of land surveying; or

(b) A specific record of three (3) years or more of qualifying land surveying experience, and successfully passing an examination in the fundamentals of land surveying.

SECTION 28. Section 73-13-79, Mississippi Code of 1972, is reenacted as follows:

73-13-79. Application for enrollment as a land surveyor intern or for registration as a professional land surveyor shall be on forms prescribed and furnished by the board, shall contain statements made under oath showing the applicant's education and a detailed summary of the applicant's qualifying experience. Applications for registration or reregistration as a professional land surveyor shall also contain not less than five (5) references, of whom three (3) or more shall be professional land surveyors having personal knowledge of the applicant's land surveying experience.

The application fee for registration or reregistration as a professional land surveyor shall be determined by the board but shall not exceed Seventy-five Dollars (\$75.00), which fee shall

886 accompany the application.

887 The application fee for enrollment as a land surveyor intern
888 shall be determined by the board, but shall not exceed Twenty-five
889 Dollars (\$25.00), which fee shall accompany the application.

890 Whenever an applicant is cited to an examination or
891 reexamination, an additional fee equal to the actual cost of the
892 examination shall be paid by the applicant.

893 SECTION 29. Section 73-13-81, Mississippi Code of 1972, is
894 reenacted as follows:

895 73-13-81. Examinations shall be required for enrollment as a
896 land surveyor intern and registration as a professional land
897 surveyor. The examinations shall be held at such time and place
898 as the board may determine.

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

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

905 SECTION 30. Section 73-13-83, Mississippi Code of 1972, is
906 reenacted as follows:

907 73-13-83. The board shall issue a certificate, upon payment
908 of the required fee, to any applicant who, in the opinion of the
909 board, has satisfactorily met all the requirements therefor. In
910 the case of registered professional land surveyors, the
911 certificate shall authorize the "practice of land surveying." In
912 the case of a land surveyor intern, the certificate shall state
913 that the applicant has successfully passed the examination in
914 fundamental land surveying subjects required by the board and has
915 been enrolled as a land surveyor intern for a period of ten (10)
916 years or until registration as a professional land surveyor,
917 whichever comes first. Certificates shall show the full name of
918 the professional land surveyor or land surveyor intern, shall have
919 a serial number and shall be signed by the president and the

920 secretary of the board under seal of the board.

921 The issuance of a certificate of registration by this board
922 shall be prima facie evidence that the person named therein is
923 entitled to all the rights and privileges of a registered
924 professional land surveyor, while the said certificate remains
925 unrevoked or unexpired.

926 Each person registering as a professional land surveyor after
927 June 30, 1991, shall, upon registration, obtain a seal of the
928 design authorized by the board, bearing the registrant's name and
929 the legend "Registered Professional Land Surveyor." Each person
930 registering as a professional land surveyor after June 30, 1991,
931 who is also registered as a professional engineer in accordance
932 with Sections 73-13-1 through 73-13-45 may also obtain one (1)
933 seal bearing the registrant's name and the legend "Registered
934 Professional Engineer and Professional Land Surveyor." Any person
935 who, before July 1, 1991, was registered under this chapter as a
936 land surveyor or as both a professional engineer and a land
937 surveyor may continue to use the seal or seals that he obtained
938 and that were authorized by the board to be used by such person
939 before July 1, 1991. Plats and reports prepared by a registrant
940 shall be stamped with the seal during the life of the registrant's
941 certificate, but it shall be unlawful for anyone to stamp or seal
942 any documents with the seal after the certificate of the
943 registrant named thereon has expired or has been revoked, unless
944 the certificate has been renewed or reissued.

945 SECTION 31. Section 73-13-85, Mississippi Code of 1972, is
946 reenacted as follows:

947 73-13-85. Certificates of registration shall expire on the
948 last day of the month of December following their issuance or
949 renewal and shall become invalid on that date unless renewed. It
950 shall be the duty of the board to notify every person registered
951 under Sections 73-13-71 through 73-13-97 of the date of the
952 expiration of his certificate and the amount of the fee that shall
953 be required for its renewal for one (1) year; such notice shall be

954 sent by first class mail to the last known address of the
955 registrant at least one (1) month in advance of the date of the
956 expiration of said certificate. Renewal may be effected at any
957 time during the month of December by the payment of a fee not to
958 exceed Fifty Dollars (\$50.00). A person who is registered as a
959 professional land surveyor and as a professional engineer may
960 effect both renewals by the payment of a single fee not to exceed
961 Seventy-five Dollars (\$75.00). The failure on the part of any
962 registrant to renew his certificate annually in the month of
963 December as required above shall not deprive such person of the
964 right of renewal, but the fee to be paid for the renewal of a
965 certificate after the month of December shall be increased ten
966 percent (10%) for each month that payment of renewal is delayed.

967 If the registrant shall fail to renew his certificate within
968 five (5) years from the date of expiration, he must pay the back
969 fees and be reexamined by the board in principles and practice
970 before his certificate will be reissued. The reexamination may be
971 waived by the board provided the applicant has continued to
972 practice under another jurisdiction from the date of expiration of
973 his certificate.

974 SECTION 32. Section 73-13-87, Mississippi Code of 1972, is
975 reenacted as follows:

976 73-13-87. The board may, upon application therefor and the
977 payment of a fee to be determined by the board, but not to exceed
978 Seventy-five Dollars (\$75.00), issue a certificate of registration
979 as a professional land surveyor to any person who holds a
980 certificate of registration issued to him by the proper authority
981 of any state or territory or possession of the United States, or
982 of any country, provided that the applicant's qualifications meet
983 the requirements of Sections 73-13-71 through 73-13-97 and the
984 rules established by the board.

985 SECTION 33. Section 73-13-89, Mississippi Code of 1972, is
986 reenacted as follows:

987 73-13-89. The powers and duties of the board regarding

disciplinary actions against any person accused of violating any of the laws of the State of Mississippi regarding the practice of land surveying or the rules, regulations, bylaws, or standards of conduct and ethics pertaining thereto as duly promulgated by the board, as well as the procedures for conducting said disciplinary proceedings, the penal sanctions available to the board in the event the charges are established, and the procedures for appeal from such actions of the board shall be the same as those set forth in Section 73-13-37 regarding actions against persons charged with similar violations related to the practice of engineering.

SECTION 34. Section 73-13-93, Mississippi Code of 1972, is reenacted as follows:

73-13-93. Any person who may feel aggrieved by an action of the board denying or revoking his certificate of registration or re-registration as a professional land surveyor or enrollment as land 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 to it may seem just and proper. However, in case of a nonresident licensee or applicant, such appeal shall be taken or made to the Chancery Court of the First Judicial District of Hinds County, Mississippi.

Actions taken by the board in suspending a certificate of registration when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section.

Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

SECTION 35. Section 73-13-95, Mississippi Code of 1972, is reenacted as follows:

73-13-95. Any person who shall practice, or offer to

practice, land surveying in this state without being registered in accordance with the provisions of Sections 73-13-71 through 73-13-97, or any person presenting or attempting to use as his own the certificate of registration or the 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 certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person who shall violate any of the provisions of Sections 73-13-71 through 73-13-97, 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 One Thousand Dollars (\$1,000.00), or suffer imprisonment for a period of not exceeding three (3) months, or both.

Unless registered in accordance with the provisions of Sections 73-13-71 through 73-13-97, no person shall:

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

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

(c) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to

perform any service, work, act or thing which is any part of the practice of land surveying.

Any person, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in items (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of land 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 Sections 73-13-71 through 73-13-97 and to prosecute any persons violating same. The Attorney General of the state or his assistant shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out the provisions of Sections 73-13-71 through 73-13-97.

SECTION 36. Section 73-13-97, Mississippi Code of 1972, is reenacted as follows:

73-13-97. Sections 73-13-71 through 73-13-97 shall not be construed to prevent or to affect:

(a) Other professions or trades. The practice of any other legally recognized profession or trade; or

(b) Recent arrivals in state. The practice of a person not a resident of and having no established place of business in this state or who has recently become a resident thereof, practicing or offering to practice land surveying herein for more than thirty (30) days in any calendar year, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by Sections 73-13-71 through 73-13-97; provided that such a person is legally qualified by registration to practice land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in Sections 73-13-71 through 73-13-97. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

1090 (c) Employees and subordinates. The work of an
1091 employee or a subordinate of a person holding a certificate of
1092 registration under Sections 73-13-71 through 73-13-97, or an
1093 employee of a person practicing lawfully under paragraph (b) of
1094 this section; providing such work does not include final decisions
1095 and is done under the direct responsibility, checking and
1096 supervision of a person holding a certificate of registration
1097 under Sections 73-13-71 through 73-13-97 or a person practicing
1098 lawfully under paragraph (b) of this section; or

1099 (d) Government officers and employees. The practice of
1100 officers and employees of the government of the United States
1101 while engaged within this state in the practice of land surveying
1102 for said government; or

1103 (e) Certain elected or appointed county surveyors. A
1104 county surveyor as provided for in Section 135 of the Mississippi
1105 Constitution, and Sections 19-27-1 through 19-27-35 implementing
1106 the constitutional provision, who holds the office of county
1107 surveyor by either election or appointment, shall be exempt,
1108 through December 31, 1983, from the provisions of Sections
1109 73-13-71 through 73-13-97 insofar as his statutory duties within
1110 the boundaries of the county in which he is duly elected or
1111 appointed are concerned. From and after January 1, 1984, such
1112 surveyor shall not be exempt from the provisions of Sections
1113 73-13-71 through 73-13-97 unless he held the office of county
1114 surveyor by either election or appointment on December 31, 1983.

1115 (f) Employees of public service and/or utility
1116 companies. The work or practice of a regular employee of a public
1117 service company or public utility, by rendering to such company
1118 land surveying service in connection with its facilities which are
1119 subject to regulation, supervision and control in order to
1120 safeguard life, health and property by the Public Service
1121 Commission of this state, shall be exempt so long as such person
1122 is thus actually and exclusively employed and no longer.

1123 SECTION 37. Section 73-13-99, Mississippi Code of 1972, is

1124 amended as follows:

1125 73-13-99. Sections 73-13-1 through 73-13-45 and 73-13-71
1126 through 73-13-103, which create the State Board of Registration
1127 for Professional Engineers and Land Surveyors and prescribe its
1128 duties and powers, shall stand repealed as of December 31, 2000.

1129 SECTION 38. Section 73-13-103, Mississippi Code of 1972, is
1130 brought forward as follows:

1131 73-13-103. (1) For the purposes of this section, the term
1132 "surveyor" means a registered professional land surveyor as
1133 defined in Section 73-13-71, and any person who is employed by or
1134 under the direct supervision of a professional land surveyor
1135 registered under Sections 73-13-71 through 73-13-97.

1136 (2) A surveyor may enter in or upon public or private lands
1137 or waters, except buildings, while in the lawful performance of
1138 surveying duties without criminal liability for trespass; however,
1139 a surveyor shall make a good faith attempt to announce and
1140 identify himself and his intentions before entering upon private
1141 property and must present documentation sufficient to identify him
1142 as a surveyor to anyone requesting such identification.

1143 (3) The provisions of this section do not relieve a surveyor
1144 from any civil liability that otherwise is actionable at law or in
1145 equity, and do not relieve a surveyor from criminal liability for
1146 trespass if the entry in or upon the property extends beyond the
1147 property or area that is necessary to actually perform the
1148 surveying duties.

1149 (4) Surveyors shall be personally liable for any damage
1150 caused to private property when exercising entry under this
1151 section. No cause of action shall lie against a landowner for
1152 damages to a surveyor while on such lands unless the damage is
1153 caused by the intentional tortious conduct of landowner or his
1154 agent.

1155 SECTION 39. Each section of the Mississippi Code of 1972
1156 that is reenacted but not amended by this act, and that appears in
1157 the main volume of the Code, shall not be reprinted in the

1158 supplement. Instead, an editor's note shall be placed in the
1159 supplement following the section to explain that the section was
1160 reenacted, and that it has not been reprinted in the supplement
1161 because the language of the section in the main volume was
1162 unaffected by the legislation.

1163 SECTION 40. This act shall take effect and be in force from
1164 and after July 1, 1999.