

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 1462

1 AN ACT TO AMEND SECTION 73-13-95, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT WHEN A PERSON IS CHARGED WITH MULTIPLE MISDEMEANOR
3 OFFENSES OF PRACTICING THE PROFESSION OF LAND SURVEYOR WITHOUT A
4 PROPER LICENSE, THE CHARGES FOR SUCH OFFENSES MAY BE CONSOLIDATED
5 TO CHARGE THE PERSON WITH A FELONY IF THE OFFENSES ARE BASED ON
6 THE SAME ACT OR TRANSACTION OR THE OFFENSES ARE BASED ON TWO OR
7 MORE ACTS OR TRANSACTIONS CONNECTED TOGETHER OR CONSTITUTING PARTS
8 OF A COMMON SCHEME OR PLAN; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 73-13-95, Mississippi Code of 1972, is
11 amended as follows:

12 73-13-95. (1) Any person who shall practice, or offer to
13 practice, surveying in this state without being licensed in
14 accordance with the provisions of Sections 73-13-71 through
15 73-13-105, or any person presenting or attempting to use as his
16 own the certificate of licensure or the seal of another, or any
17 person who shall give any false or forged evidence of any kind to
18 the board or to any member thereof in obtaining a certificate of
19 licensure, or any person who shall falsely impersonate any other
20 licensee of like or different name, or any person who shall
21 attempt to use an expired or revoked certificate of licensure, or
22 any person who shall violate any of the provisions of Sections
23 73-13-71 through 73-13-105, shall be guilty of a misdemeanor, and
24 shall, upon conviction, be sentenced to pay a fine of not less
25 than One Hundred Dollars (\$100.00), nor more than Five Thousand
26 Dollars (\$5,000.00), in addition to reimbursement of investigative
27 expenses and court costs, or suffer imprisonment for a period of
28 not exceeding three (3) months, or both. The criminal penalties
29 provided for in this section may be assessed in addition to those

30 civil penalties provided for in Section 73-13-37 and authorized
31 under Section 73-13-89.

32 Unless licensed in accordance with the provisions of Sections
33 73-13-71 through 73-13-105, no person shall:

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

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

49 (c) Receive any fee or compensation or the promise of
50 any fee or compensation for performing, offering or attempting to
51 perform any service, work, act or thing which is any part of the
52 practice of surveying.

53 Any person, firm, partnership, association or corporation
54 which shall do, offer or attempt to do any one or more of the acts
55 or things set forth in items (a) through (c) of the preceding
56 paragraph shall be conclusively presumed and regarded as engaged
57 in the practice of surveying.

58 It shall be the duty of all duly constituted officers of the
59 law of this state, or any political subdivision thereof, to
60 enforce the provisions of Sections 73-13-71 through 73-13-105 and
61 to prosecute any persons violating same. The Attorney General of
62 the state or his assistant shall act as legal adviser of the board

63 and render such legal assistance as may be necessary in carrying
64 out the provisions of Sections 73-13-71 through 73-13-105.

65 (2) When a person is charged with more than one (1)
66 misdemeanor offenses under any provision of subsection (1) of this
67 section, all such offenses may be combined in the same indictment
68 to charge the person with a felony.

69 (3) Any person who is convicted of a felony under the
70 provisions of this section, upon conviction, shall be sentenced to
71 pay a fine of not less than Five Thousand Dollars (\$5,000.00) and
72 not more than Twenty-five Thousand Dollars (\$25,000.00), or by
73 imprisonment in the custody of the Department of Corrections, for
74 not more than one (1) year, or both.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2007.