

By: Representative Yancey

To: Judiciary A

HOUSE BILL NO. 608

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

162 (a) A professional service corporation;

163 (b) A corporation;

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

166 (d) A limited liability company.

167 * * *

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

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

173 73-13-5. A Board of Licensure for Professional Engineers and
174 Surveyors is hereby created whose duty it shall be to administer
175 the provisions of * * * this chapter. The board shall consist of
176 six (6) licensed professional engineers, * * * and three (3)
177 licensed professional surveyors, who are not licensed professional
178 engineers, * * * all of whom shall have the qualifications
179 required by * * * this chapter. The members of the board shall be
180 appointed * * * by the Governor. State surveying societies,
181 councils, and associations may provide surveyor nominees to the

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

192 The first Supreme Court District engineer members shall be
193 designated as Post 1 and Post 4, and the survey member shall be
194 designated as Post 7. The second Supreme Court District engineer
195 members shall be designated as Post 2 and Post 5, and the survey
196 member shall be designated as Post 8. The third Supreme Court
197 District engineer members shall be designated as Post 3 and Post
198 6, and the surveyor member shall be designated as Post 9.

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

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

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

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

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

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

223 * * *

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

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

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

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

242 73-13-7. Each member of the board shall be a citizen of the
243 United States and shall have been a resident of the state for at
244 least five (5) years prior to the appointment. * * * They shall
245 be at least * * * thirty-five (35) years of age, shall have been
246 engaged as a licensed professional in the practice of engineering
247 or surveying, as the case may be, for at least ten (10) years and
248 shall have been in responsible charge of important engineering or
249 surveying work, as the case may be, for at least five (5) years,
250 and shall not have been subject to disciplinary action as
251 described in this chapter for the previous ten (10) years. Each
252 year of teaching engineering or surveying in a school or college
253 shall be equivalent to a year of responsible charge of engineering
254 or surveying work. Not more than two (2) members of the board at

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

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

261 73-13-9. Each member of the board shall receive per diem in
262 accordance with Section 25-3-69 when actually attending to the
263 work of the board or any of its committees, and shall be
264 reimbursed for traveling expenses in accordance with Section
265 25-3-41 in carrying out the provisions of * * * this chapter.

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

268 73-13-11. The Governor may remove any member of the board
269 for misconduct, incompetency, neglect of duty, failure to attend
270 two (2) consecutive quarterly meetings, or for any other
271 sufficient cause. * * *

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

274 73-13-13. The board shall hold at least * * * four (4)
275 regular quarterly meetings each year * * *. Special meetings
276 shall be held at such time as the regulations of the board may
277 provide. Notice of all meetings shall be given in such manner as
278 the regulations of the board may provide. The board shall elect
279 annually, at a regular or special meeting, the following officers:

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

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

284 73-13-15. The board shall have the power to adopt and amend
285 all regulations and rules of procedure, not inconsistent with the
286 Constitution and laws of this state, which may be reasonably
287 necessary for the proper performance of its duties and the
288 regulations of the proceedings before it. The board shall adopt
289 and have an official seal. It shall not be required to post bond
290 on appeals. The board shall have the further power and authority
291 to:

- 292 (a) Establish standards of conduct and ethics;
- 293 (b) Institute proceedings in its own name;
- 294 (c) Promulgate rules restricting competitive bidding;
- 295 (d) Promulgate rules limiting or restricting
296 advertising;
- 297 (e) Promulgate rules requiring a demonstration of
298 continuing education;
- 299 (f) Adopt and promulgate reasonable bylaws and rules
300 and regulations necessary or appropriate for the proper
301 fulfillment of its duties under state laws pertaining thereto;
- 302 (g) Provide for the enforcement of and to enforce the
303 laws of the State of Mississippi and, in particular, the

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

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

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

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

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

319 In carrying into effect the provisions of * * * this chapter,
320 the board, under the hand of its president or secretary and the
321 seal of the board may subpoena witnesses and compel their
322 attendance, and also may require the production of * * * records
323 and data in any case involving the disciplinary actions provided
324 for in * * * this chapter or practicing or offering to practice
325 without licensure. Any member of the board may administer oaths
326 or affirmations to witnesses appearing before the board. If any
327 person shall refuse to obey any subpoena so issued, or shall
328 refuse to testify or produce any * * * records or data, the board

329 may present its petition to such authority as may have
330 jurisdiction, setting forth the facts, and thereupon such
331 authority shall, in a proper case, issue its subpoena to such
332 person, requiring * * * their attendance before such authority and
333 there to testify or to produce such * * * records and data, as may
334 be deemed necessary and pertinent by the board. Any person
335 failing or refusing to obey the subpoena or order of the said
336 authority may be proceeded against in the same manner as for
337 refusal to obey any other subpoena or order of the authority.

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

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

346 73-13-17. (1) The board shall keep an account of all monies
347 derived from the operation of * * * this chapter. All fees and
348 any other monies received by the board shall be deposited in a
349 special fund that is created in the State Treasury and shall be
350 used for the implementation and administration of * * * this
351 chapter when appropriated by the Legislature for such purpose.
352 The monies in the special fund shall be subject to all provisions
353 of the state budget laws that are applicable to special fund

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

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

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

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

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

382 73-13-19. The board shall keep a record of its proceedings
383 and a register of all applications for licensure, which register
384 shall show (a) the name, age and residence of such applicant, (b)
385 the date of the application, (c) the place of business of such
386 applicant, (d) * * * their educational and other qualifications,
387 (e) whether or not an examination was required, (f) whether the
388 applicant was rejected, (g) whether a * * * license was granted,
389 (h) the date of the action of the board, and (i) such other
390 information as may be deemed necessary by the board.

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

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

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

403 73-13-21. A roster showing the names and places of business
404 or residence of all licensed professional engineers and licensed
405 professional surveyors and licensed firms shall be * * *
406 maintained by the board.

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

409 73-13-23. (1) (a) The following shall be considered as
410 minimum evidence satisfactory to the board that the applicant is
411 qualified for licensure as a professional engineer:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

510 73-13-25. Applications for enrollment as an engineer
511 intern * * *, surveyor intern, licensure as a professional
512 engineer, or licensure as a professional surveyor shall be on the
513 forms prescribed and furnished by the board, shall contain
514 statements made under oath, showing the applicant's education and
515 detailed summary of the applicant's qualifying experience.
516 Applications for licensure or relicensure as a professional
517 engineer shall also contain not less than five (5) references, of
518 whom three (3) or more shall be engineers having personal
519 knowledge of the applicant's engineering experience. Application
520 for licensure or relicensure as a professional surveyor shall also
521 contain not less than five (5) references, of whom three (3) or
522 more shall be professional surveyors having personal knowledge of
523 the applicant's surveying experience.

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

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

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

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

539 73-13-27. Examinations shall be required for enrollment as
540 an engineer intern * * *, surveyor intern, licensure as a
541 professional engineer, or licensure as a professional surveyor.
542 The examinations shall be held at such time and place as the board
543 may determine.

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

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

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

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

557 73-13-29. The board shall issue a * * * license and shall
558 provide a certificate of licensure upon payment of licensure fee
559 as provided for in * * * this chapter, to any applicant who, in
560 the opinion of the board, has satisfactorily met all the
561 requirements of * * * this chapter. In the case of a licensed
562 engineer, the * * * license shall authorize the "practice of
563 engineering." In the case of an engineer intern, * * * a
564 certificate of enrollment shall be provided, and it shall state
565 that the applicant has successfully passed the examination in
566 fundamental engineering subjects required by the board and has
567 been enrolled as an "engineer intern." In the case of licensed
568 professional surveyors, the license shall authorize the "practice
569 of surveying." In the case of a surveyor intern, the certificate
570 shall state that the applicant has successfully passed the
571 examination in fundamental surveying subjects required by the
572 board and has been enrolled as a "surveyor intern." Certificates
573 shall show the full name, shall have a * * * license or enrollment

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

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

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

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

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

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

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

605 73-13-31. * * * Licenses shall expire on the last day of the
606 month of December following their issuance or at the end of their
607 renewal period and shall become invalid on that date unless
608 renewed. It shall be the duty of the board to notify every person
609 licensed under this chapter of the date of the expiration of * * *
610 the license and the amount of the fee that shall be required for
611 its renewal for one (1) year or two (2) years. Such notice shall
612 occur at least one (1) month in advance of the date of the
613 expiration of said * * * license. Renewal may be effected at any
614 time during the month of December by the payment of a fee, as
615 determined by the board, not to exceed * * * One Hundred Dollars
616 (\$100.00) or * * * Two Hundred Dollars (\$200.00) if renewals are
617 for two (2) years. A person who is licensed as a professional
618 engineer and as a professional surveyor may effect both renewals
619 by the payment of a fee not to exceed * * * One Hundred Fifty
620 Dollars (\$150.00), or * * * Three Hundred Dollars (\$300.00) if
621 renewals are for two (2) years. The failure on the part of any
622 licensee to renew * * * their license annually, or biennially, in
623 the month of December as required above, shall not deprive such

624 person of the right of renewal, but the fee to be paid for the
625 renewal of a * * * license after the month of December shall be
626 increased ten percent (10%) for each month, or fraction of a month
627 that payment of renewal is delayed; provided, however, that the
628 maximum fee for delayed renewal shall not exceed five (5) times
629 the normal renewal fee. A state agency or any of the state's
630 political subdivisions, such as a county or municipality, may pay
631 the renewal fee of any licensee who is a full-time employee;
632 provided, however, that any licensee who permits * * * their
633 renewal fee to be paid from any public funds shall not perform
634 engineering or surveying services for a fee or other emoluments
635 for the public or for any other public entity.

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

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

645 73-13-33. All professional engineers, licensed in accordance
646 with the provisions of Chapter 56 of the Laws of Mississippi of
647 1928, Extraordinary Session, and as amended under Senate Bill No.
648 383, Chapter 131, Laws of 1940, and whose certificates of

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

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

655 73-13-35. The board may, upon application therefor and the
656 payment of a fee in accordance with * * * this chapter, issue
657 a * * * license as a professional engineer or a professional
658 surveyor to any person who holds a * * * license issued to * * *
659 them by proper authority of any state or territory or possession
660 of the United States, or of any country, provided that the
661 applicant's qualifications meet the requirements of * * * this
662 chapter and the rules established by the board. The issuance of
663 a * * * license by reciprocity to a military-trained applicant,
664 military spouse or person who establishes residence in this state
665 shall be subject to the provisions of Section 73-50-1 or 73-50-2,
666 as applicable.

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

669 73-13-37. (1) The board, upon satisfactory proof and in
670 accordance with the provisions of this chapter and the
671 implementing regulations of the board pertaining thereto, is
672 authorized to take the disciplinary actions provided for
673 hereinafter against any person or firm practicing engineering or

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

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

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

683 (c) Gross negligence, malpractice or incompetency;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

869 73-13-39. Any person or firm who shall practice, or offer to
870 practice, engineering or surveying in this state without being
871 licensed in accordance with the provisions of * * * this chapter,

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

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

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

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

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

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

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

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

922 7-5-39, the Attorney General of the state or * * * their assistant
923 shall act as legal advisor of the board in carrying out the
924 provisions of * * * this chapter.

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

927 73-13-41. * * * Any person who may feel aggrieved by an
928 action of the board denying or revoking their license or
929 relicensure as a professional engineer, professional surveyor,
930 enrollment as a professional engineer or enrollment as surveyor
931 intern may appeal therefrom to the chancery court of the county of
932 residence of such person and, after full hearing, the court shall
933 make such order sustaining or reversing the action of the board as
934 it may seem just and proper. However, in case of a nonresident
935 licensee or applicant, such appeal shall be taken or made to the
936 Chancery Court of the First Judicial District of Hinds County,
937 Mississippi.

938 Actions taken by the board in suspending a license when
939 required by Section 93-11-157 or 93-11-163 are not actions from
940 which an appeal may be taken under this section. Any appeal of a
941 suspension of a license that is required by Section 93-11-157 or
942 93-11-163 shall be taken in accordance with the appeal procedure
943 specified in Section 93-11-157 or 93-11-163, as the case may be,
944 rather than the procedure specified in this section.

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

947 73-13-43. * * * No corporation, firm or partnership may
948 engage in the practice of professional engineering or the practice
949 of professional surveying in this state unless it has been issued
950 a certificate of authority by the board.

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

959 In order to qualify for a surveying certificate of authority,
960 a corporation, firm or partnership must have at least one (1)
961 Mississippi-licensed professional surveyor as a principal officer
962 or partner of the firm who has management responsibility for such
963 practice.

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

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

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

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

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

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

1000 Additionally, if any of the information on the initial or any
1001 subsequent renewal application changes for the corporation, firm
1002 or partnership, said corporation, firm or partnership shall notify
1003 the board in the form and manner prescribed by the board within
1004 thirty (30) days of the change.

1005 * * * The Secretary of State shall not issue a certificate
1006 of incorporation, licensure or authorization to an applicant or
1007 licensure as a foreign firm to a corporation, firm or partnership
1008 which includes in its name, or among the objectives for which it
1009 is established, any of the words, "engineer," "engineering,"
1010 "surveyor," "surveying," or any modification or derivation
1011 thereof, unless the board has issued for said applicant a
1012 certificate of authority or a letter indicating the eligibility of
1013 such applicant to receive such a certificate. The corporation,
1014 firm or partnership applying shall supply such certificate or
1015 letter from the board with its application for incorporation,
1016 licensure or authorization to the Secretary of State.

1017 An engineer or surveyor who renders occasional, part-time or
1018 consulting engineering services to or for a corporation, firm or
1019 partnership may not, for the purposes of this section, be

1020 designated as being responsible for the professional activities of
1021 the firm.

1022 No such corporation, firm or partnership shall be relieved of
1023 responsibility for the conduct or acts of its agents, employees,
1024 officers, partners, members or managers by reason of its
1025 compliance with the provisions of this section. No individual
1026 practicing engineering or practicing surveying under this chapter
1027 shall be relieved of responsibility for engineering services or
1028 surveying services performed by reason of employment or other
1029 relationship with a firm holding * * * a certificate of authority.

1030 **SECTION 23.** Section 73-13-45, Mississippi Code of 1972, is
1031 amended as follows:

1032 73-13-45. (1) (a) Neither the state, nor any of its
1033 political subdivisions, such as a county, city or town, shall
1034 award construction contracts of any public work involving the
1035 practice of engineering or architecture unless the plans,
1036 specifications and estimates have been prepared and such work
1037 supervised by a registered professional engineer or architect;
1038 however, nothing in this subsection shall be held to apply to such
1039 public work in which the expenditure does not exceed One Hundred
1040 Thousand Dollars (\$100,000.00).

1041 (b) The state and any of its political subdivisions,
1042 such as a county, city or town, may engage in construction of
1043 public buildings involving the practice of engineering or
1044 architecture and using political subdivision workforces without

1045 the supervision of a licensed professional engineer or architect,
1046 provided that the total cost of the public building does not
1047 exceed One Hundred Fifty Thousand Dollars (\$150,000.00). This
1048 paragraph (1)(b) shall not supersede any rules and regulations
1049 promulgated by the State Department of Health and the Department
1050 of Environmental Quality.

1051 (2) (a) In the awarding of public contracts for
1052 professional engineering services, preference shall be given to
1053 resident professional engineers over those nonresident
1054 professional engineers domiciled in a state having laws which
1055 grant a preference to the professional engineers who are residents
1056 of that state. Nonresident professional engineers shall be
1057 awarded Mississippi public contracts only on the same basis as the
1058 nonresident professional's state awards contracts to Mississippi
1059 professional engineers under similar circumstances. When a
1060 nonresident professional engineer submits a proposal for a public
1061 project, he shall attach thereto a copy of his resident state's
1062 current statute, resolution, policy, procedure or executive order
1063 pertaining to such state's treatment of nonresident professional
1064 engineers. Resident professional engineers actually domiciled in
1065 Mississippi, be they corporate, individuals or partnerships, shall
1066 be granted preference over nonresidents in the awarding of
1067 contracts in the same manner and to the same extent as provided by
1068 the laws of the state of domicile of the nonresident. As used in
1069 this section, the term "resident professional engineer" includes a

1070 nonresident person, firm or corporation that has been qualified to
1071 do business in this state and has maintained a permanent full-time
1072 office in the State of Mississippi for not less than two (2) years
1073 prior to submitting a proposal for a public project, and the
1074 subsidiaries and affiliates of such a person, firm or corporation.

1075 (b) The provisions of this subsection shall not apply
1076 to any contract for any project upon which federal funds would be
1077 withheld because of the preference requirements of this
1078 subsection.

1079 (c) Any contract, agreement or arrangement for
1080 professional engineering services negotiated, made or entered
1081 into, directly or indirectly, by the state, counties,
1082 municipalities or any political subdivision thereof, or by any
1083 special districts, which is in any way in violation of the
1084 provisions of this subsection is hereby declared to be void as
1085 contrary to the public policy of this state and shall not be given
1086 effect or enforced by any court of this state or by any of its
1087 officers or employees.

1088 (d) Nothing in this subsection shall affect the
1089 validity of any contract in existence prior to July 1, 1989.

1090 (e) For purposes of this section, the term
1091 "professional engineering services" means those within the scope
1092 of the practice of professional engineering as defined by * * *
1093 this chapter, or those performed by any registered professional
1094 engineer in connection with professional employment or practice.

1095 **SECTION 24.** The following shall be codified as Section
1096 73-13-47, Mississippi Code of 1972:

1097 73-13-47. (1) For the purposes of this section, the term
1098 "surveyor" means a licensed professional surveyor as defined in
1099 this chapter, and any person who is employed by or under the
1100 direct supervision of a professional surveyor licensed under this
1101 chapter.

1102 (2) A surveyor may enter in or upon public or private lands
1103 or waters, except buildings, while in the lawful performance of
1104 surveying duties without criminal liability for trespass; however,
1105 a surveyor shall make a good faith attempt to announce and
1106 identify themselves and their intentions before entering upon
1107 private property and must present documentation sufficient to
1108 identify themselves as a surveyor to anyone requesting such
1109 identification.

1110 (3) The provisions of this section do not relieve a surveyor
1111 from any civil liability that otherwise is actionable at law or in
1112 equity, and do not relieve a surveyor from criminal liability for
1113 trespass if the entry in or upon the property extends beyond the
1114 property or area that is necessary to actually perform the
1115 surveying duties.

1116 (4) Surveyors shall be personally liable for any damage
1117 caused to private property when exercising entry under this
1118 section. No cause of action shall lie against a landowner for
1119 damages to a surveyor while on such lands unless the damage is

1120 cause by the intentional tortious conduct of landowner or their
1121 agent.

1122 **SECTION 25.** The following shall be codified as Section
1123 73-13-49, Mississippi Code of 1972:

1124 73-13-49. (1) This chapter shall not be construed to
1125 prevent or to affect:

1126 (a) The practice of any other legally recognized
1127 profession or trade, such as: (i) engineers employed by
1128 contractors to supervise work on which a licensed engineer is
1129 engaged; (ii) architects who are registered under the provisions
1130 of Title 73, Chapter 1; and (iii) the practice of geology as
1131 regulated pursuant to Title 73, Chapter 63;

1132 (b) The work of an employee or a subordinate of a
1133 person holding a license under this chapter, provided such work
1134 does not include final designs or decisions and is done under the
1135 responsibility, checking and supervision of a person holding a
1136 license under this chapter;

1137 (c) The practice of officers and employees of the
1138 government of the United States while engaged within this state in
1139 the practice of engineering or surveying for said government;

1140 (d) The performance of engineering services by any
1141 regular full-time employee of a manufacturing, research and
1142 development, railroad or other industrial corporation, provided:

1143 (i) Such services are rendered on or in connection
1144 with existing fixed works, equipment, systems, processes or

1145 facilities owned, operated, or leased by such corporation and/or
1146 its affiliates;

1147 (ii) Such services are not rendered to third
1148 parties;

1149 (iii) Such services do not consist of original
1150 plant design, original system design, or original process design,
1151 other than routine system extensions that do not compromise the
1152 integrity of the original design;

1153 (iv) Such services comply with all requirements
1154 specified by the employee's company or corporation;

1155 (v) All fixed works, equipment, systems, processes
1156 or facilities modified by such services undergo a safety review
1157 that confirms; 1. the construction and equipment is in accordance
1158 with design specifications; and 2. safety, operating, maintenance
1159 and emergency procedures are in place to safeguard life, health
1160 and property;

1161 (vi) Such services are not required to be
1162 performed, approved, or certified by a professional engineer
1163 pursuant to law or regulation, whether federal, state, or local,
1164 other than as defined in this chapter hereof or any applicable
1165 rules or regulations promulgated by the Mississippi Board of
1166 Licensure for Professional Engineers and Surveyors.

1167 It is further stated that this paragraph (d) is intended to
1168 codify the policy and practices of the board at the time of
1169 enactment of this Senate Bill No. 2380, 1999 Regular Session, and

1170 that any ambiguities in this subsection should be construed in
1171 accordance with this intent;

1172 (e) The performance of engineering or surveying
1173 services with respect to utility facilities by any public utility
1174 subject to regulation by the Mississippi Public Service
1175 Commission, the Federal Communications Commission, the Federal
1176 Energy Regulatory Commission, or the Nuclear Regulatory
1177 Commission, including its parents, affiliates, subsidiaries,
1178 provided that they are engaged solely and exclusively in
1179 performing service for such public utility and/or its parents,
1180 affiliates or subsidiaries, and as long as such services comply
1181 with all standard operating procedures and requirements specified
1182 by the employee's company or corporation. This exemption shall
1183 not extend to: (i) the practice of engineering or surveying
1184 performed by public utilities or their officers or employees when
1185 such services are rendered to nonaffiliated third parties in
1186 exchange for compensation other than that received from their
1187 employer, or the use of any name, title or words which tend to
1188 convey the impression that a nonlicensee is offering engineering
1189 or surveying services to the public; and (ii) services which are
1190 required to be performed, approved or certified by a professional
1191 engineer or professional surveyor pursuant to law or regulation
1192 whether federal, state or local, other than this chapter hereof or
1193 any applicable rules or regulations promulgated by the Mississippi
1194 Board of Licensure for Professional Engineers and Surveyors.

1195 It is further stated that this paragraph (e) is intended to
1196 codify the policy and practices of the board at the time of
1197 enactment of Senate Bill No. 2380, 1999 Regular Session, and that
1198 any ambiguities in this subsection should be construed in
1199 accordance with this intent;

1200 (f) The practice of engineering shall not include the
1201 work ordinarily performed by persons who operate or maintain
1202 machinery, equipment, water plants, power generation, utility
1203 transmission, utility distribution facilities, sewage plants and
1204 solid waste disposal facilities;

1205 (g) Activities conducted during the course of, or in
1206 anticipation of, litigation including, but not exclusively:
1207 analyzing, evaluating, consulting, reconstructing, testing,
1208 responding to the opinions and testing conducted by others, and
1209 offering expert testimony. However, this exemption shall not
1210 apply in legal proceedings where the subject matter of the
1211 litigation or claim is nonforensic engineering activity legally
1212 required to be performed under a Mississippi engineer's license;

1213 (h) Certain elected or appointed county surveyors. A
1214 county surveyor as provided for in Section 135 of the Mississippi
1215 Constitution, and Sections 19-27-1 through 19-27-35 implementing
1216 the constitutional provision, who holds the office of county
1217 surveyor by either election or appointment, shall be exempt from
1218 the provisions of this chapter provided they held the office of

1219 county surveyor by either election or appointment on or before
1220 December 31, 1983;

1221 (i) The work of a regular employee of a railroad,
1222 rendering to the railroad surveying services in connection with
1223 its facilities within the exclusive scope of their employment
1224 provided that:

1225 (i) Any new right-of-way acquisitions for
1226 construction of rail lines by class one railroads shall be
1227 surveyed and platted in compliance with the Mississippi Standards
1228 of Practice for Surveying by a Mississippi professional surveyor;
1229 and

1230 (ii) Upon the removal of track and disposition of
1231 an abandoned rail line the railroad shall retain and make
1232 available upon reasonable request from Mississippi licensed
1233 surveyors the railroad's valuation surveys for any such abandoned
1234 rail line;

1235 (j) The practice of geologists performing geologic
1236 mapping insofar as such practice does not encompass tasks or
1237 projects included by statute in the scope of work comprising the
1238 practice of professional surveying as defined in this chapter; or

1239 (k) Any municipality or county from creating maps for
1240 use in planning, zoning, taxing, elections, police or fire, E-911,
1241 public works, transportation or related activities. However, if
1242 any such document does not bear the seal and signature of a
1243 professional surveyor, the document shall not be considered to be

1244 certifiably accurate as to position or location, nor shall the
1245 document be considered to be an official survey.

1246 (2) In addition to the exemptions provided in subsection
1247 (1), there is hereby granted and reserved to the board the
1248 authority to exempt from this chapter by regulations specific
1249 engineering or surveying tasks or functions performed by regular
1250 full-time employees of manufacturing, public utility, research and
1251 development, railroad or other industrial corporations rendered in
1252 the course and scope of their employment, on a case by case basis,
1253 if, in the opinion of the board, the public health and welfare is
1254 not endangered nor the engineering or surveying professions
1255 diminished.

1256 **SECTION 26.** Sections 73-13-71, 73-13-73, 73-13-75, 73-13-77,
1257 73-13-79, 73-13-81, 73-13-83, 73-13-85, 73-13-87, 73-13-89,
1258 73-13-93, 73-13-95, 73-13-97, 73-13-103 and 73-13-105, Mississippi
1259 Code of 1972, which provide for the licensure of land surveyors,
1260 are repealed.

1261 **SECTION 27.** Section 19-27-1, Mississippi Code of 1972, is
1262 amended as follows:

1263 19-27-1. There shall be elected for each county a surveyor
1264 who shall take and subscribe the oath of office prescribed by the
1265 Constitution and give bond, with sufficient surety, to be payable,
1266 conditioned and approved as provided by law and in the same manner
1267 as other county officials, in a penalty not less than Fifty
1268 Thousand Dollars (\$50,000.00).

1269 From and after January 1, 1984, such surveyor shall be a
1270 registered land surveyor as provided for in Sections * * * 73-13-1
1271 through 73-13-49. However, this requirement shall not apply to
1272 any person who was holding the office of county surveyor by either
1273 election or appointment on December 31, 1983.

1274 **SECTION 28.** Section 73-63-5, Mississippi Code of 1972, is
1275 amended as follows:

1276 73-63-5. The following words shall have the meanings
1277 ascribed in this section, unless the context clearly indicates
1278 otherwise:

1279 (a) "Board" means the board of registered professional
1280 geologists created under this chapter.

1281 (b) "Certified geologist" means a geologist who has
1282 been certified by a professional geologic organization, society or
1283 association, including, but not limited to, the American
1284 Association of Petroleum Geologists and the American Institute of
1285 Professional Geologists, which has certification requirements
1286 recognized by the board.

1287 (c) "Fund" means the registered professional geologists
1288 fund created under Section 73-63-21.

1289 (d) "Geologist" means an individual who, by reason of
1290 knowledge of geology, mathematics and the supporting physical and
1291 life sciences acquired by education and practical experience, is
1292 qualified to engage in the practice of geology.

1293 (e) "Geologist-in-training" means an individual who has
1294 met the academic qualifications established by the board, who has
1295 successfully passed a written examination demonstrating a
1296 knowledge of the fundamentals of geology, and who has been
1297 enrolled as a geologist-in-training by the board.

1298 (f) "Geology" means the science which includes the
1299 study of the earth and its origin and history. Geology includes
1300 the investigation of the earth's constituent rocks, minerals,
1301 solids and fluids, including surface and underground waters, gases
1302 and other materials and the study of the natural agents, forces
1303 and processes which cause changes in the earth.

1304 (g) "Person" means any individual, trust, firm, joint
1305 stock company, public or private corporation (including a
1306 government corporation), partnership, association, state, or any
1307 agency or institution thereof, municipality, commission, political
1308 subdivision of a state or any interstate body, and includes any
1309 officer or governing or managing body of any municipality,
1310 political subdivision, or the United States or any officer or
1311 employee thereof.

1312 (h) "Practice of geology" means any professional
1313 service to determine and evaluate the geology of the earth
1314 requiring geologic education, training, experience and the
1315 application of special knowledge of the mathematical, physical and
1316 geologic sciences to those services, including, but not limited
1317 to, consultation, investigation, evaluation, planning, surveying

1318 (unless licensed under Sections * * * 73-13-1 through 73-13-49),
1319 mapping and inspection of geologic work.

1320 (i) "Registered professional geologist" means a
1321 geologist who has met the academic and experience qualifications
1322 established by the board and has been issued a certificate of
1323 registration as a registered professional geologist by the board.

1324 (j) "Registrant" means any individual who holds a
1325 certificate of registration or certificate of enrollment issued
1326 under this chapter.

1327 (k) "Responsible charge" means the independent control
1328 and direction, by use of initiative, skill and independent
1329 judgment, of geologic work or the supervision of that work.

1330 (l) "Subordinate" means any individual who assists in
1331 the practice of geology by a registered professional geologist
1332 without assuming the responsible charge of the work.

1333 (m) "Specialty" means any branch or discipline of
1334 geology that may be recognized under this chapter or regulations
1335 promulgated by the board for certifying specialization in a
1336 specific geologic field of study or related scientific field of
1337 study, or both.

1338 (n) "Welfare" means physical and financial welfare.

1339 **SECTION 29.** Section 85-7-401, Mississippi Code of 1972, is
1340 amended as follows:

1341 85-7-401. The following words and phrases shall have the
1342 meanings ascribed herein unless the context clearly indicates
1343 otherwise:

1344 (a) "Business day" means any day that is not a
1345 Saturday, Sunday, or legal holiday.

1346 (b) "Contractor" means a contractor having privity of
1347 contract with the owner or lessee of the real estate.

1348 (c) "Lien action" means a civil action against the
1349 owner of improved property to perfect and make permanent the lien
1350 created by Section 85-7-403.

1351 (d) "Payment action" means a lawsuit, proof of claim in
1352 a bankruptcy case, or a binding arbitration.

1353 (e) "Professional surveyor" has the meaning given in
1354 Section * * * 73-13-3.

1355 (f) "Materials" means materials, tools, appliances,
1356 machinery, or equipment used in making improvements to the real
1357 estate.

1358 (g) "Materialmen" or "materialman" means all persons
1359 furnishing the materials, tools, appliances, machinery, or
1360 equipment included in the definition of materials to a contractor
1361 or to a subcontractor in privity with the contractor.

1362 (h) "Professional engineer" has the meaning given in
1363 Section 73-13-3.

1364 (i) "Residential property" means single-family and
1365 two-family, three-family, and four-family residential real estate.

1366 (j) "Statutory overnight delivery" means delivery of a
1367 document through the United States Postal Service or through a
1368 commercial firm that is regularly engaged in the business of
1369 document delivery or document and package delivery in which the
1370 sender:

1371 (i) Has directed that delivery be not later than
1372 the next business day following the day on which the document is
1373 received for delivery by the United States Postal Service or the
1374 commercial firm; and

1375 (ii) Receives a receipt acknowledging receipt of
1376 the document signed by addressee or an agent of the addressee.

1377 (k) "Subcontractor" means subcontractors having privity
1378 of contract with the contractor; "subcontractor" also means
1379 subcontractors having privity of contract with a subcontractor
1380 having privity of contract with the contractor.

1381 (l) "Registered architect" has the meaning given in
1382 Section 73-1-3.

1383 (m) "Design professional" includes professional
1384 surveyors, professional engineers and registered architects.

1385 **SECTION 30.** Section 97-17-85, Mississippi Code of 1972, is
1386 amended as follows:

1387 97-17-85. Except as otherwise provided in Sections * * *
1388 73-13-47 and 49-7-79, if any person shall go upon the enclosed
1389 land of another without his consent, after having been notified by
1390 such person or his agent not to do so, either personally or by

1391 published or posted notice, or shall remain on such land after a
1392 request by such person or his agent to depart, he shall, upon
1393 conviction, be fined not more than Fifty Dollars (\$50.00) for such
1394 offense. The provisions of this section shall apply to land not
1395 enclosed where the stock law is in force.

1396 **SECTION 31.** Section 97-17-93, Mississippi Code of 1972, is
1397 amended as follows:

1398 97-17-93. (1) Any person who knowingly enters the lands of
1399 another without the permission of or without being accompanied by
1400 the landowner or the lessee of the land, or the agent of such
1401 landowner or lessee, shall be guilty of a misdemeanor and, upon
1402 conviction, shall be punished for the first offense by a fine of
1403 Two Hundred Fifty Dollars (\$250.00). Upon conviction of any
1404 person for a second or subsequent offense, the offenses being
1405 committed within five (5) years of the last offense, such person
1406 shall be punished by a fine of Five Hundred Dollars (\$500.00), and
1407 may be imprisoned in the county jail for a period of not less than
1408 ten (10) nor more than thirty (30) days, or by both such fine and
1409 imprisonment. This section shall not apply to the landowner's or
1410 lessee's family, guests, or agents, to a surveyor as provided in
1411 Section * * * 73-13-47, or to persons entering upon such lands for
1412 lawful business purposes.

1413 (2) (a) It shall be the duty of sheriffs, deputy sheriffs,
1414 constables and conservation officers to enforce this section.

1415 (b) Such officers shall enforce this section by issuing
1416 a citation to those charged with trespassing under this section.

1417 (3) The provisions of this section are supplementary to the
1418 provisions of any other statute of this state.

1419 (4) A prosecution under the provisions of this section shall
1420 be dismissed upon the request of the landowner, lessee of the land
1421 or agent of such landowner or lessee, as the case may be.

1422 **SECTION 32.** Section 97-17-97, Mississippi Code of 1972, is
1423 amended as follows:

1424 97-17-97. (1) Except as otherwise provided in Section * * *
1425 73-13-47, if any person or persons shall without authority of law
1426 go into or upon or remain in or upon any building, premises or
1427 land of another, including the premises of any public housing
1428 authority after having been banned from returning to the premises
1429 of the housing authority, whether an individual, a corporation,
1430 partnership, or association, or any part, portion or area thereof,
1431 after having been forbidden to do so, either orally or in writing
1432 including any sign hereinafter mentioned, by any owner, or lessee,
1433 or custodian, or other authorized person, or by the administrators
1434 of a public housing authority regardless of whether or not having
1435 been invited onto the premises of the housing authority by a
1436 tenant, or after having been forbidden to do so by such sign or
1437 signs posted on, or in such building, premises or land, or part,
1438 or portion, or area thereof, at a place or places where such sign
1439 or signs may be reasonably seen, such person or persons shall be

1440 guilty of a misdemeanor, and, upon conviction thereof, shall be
1441 punished by a fine of not more than Five Hundred Dollars (\$500.00)
1442 or by confinement in the county jail not exceeding six (6) months,
1443 or by both such fine and imprisonment.

1444 (2) The provisions of this section are supplementary to the
1445 provisions of any other statute of this state.

1446 **SECTION 33.** This act shall take effect and be in force from
1447 and after July 1, 2025.