

1 *Senate* BILL NO. 334  
 2 INTRODUCED BY *Nealey* *Regent of Dept of Lic.*  
 3 *Nealey*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 5 UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND  
 6 SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947;  
 7 RENUMBERING SECTIONS 66-2329, 66-2331, 66-2332, 66-2333,  
 8 66-2334, 66-2335, 66-2337, 66-2340, 66-2344, 66-2346, R.C.M.  
 9 1947; AND REPEALING SECTIONS 66-2326, 66-2336, 66-2338,  
 10 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82A-1602.11, R.C.M. 1947, is  
 14 amended to read as follows:

15 "82A-1602.11. Board of professional engineers and land  
 16 surveyors -- appointment -- qualifications -- removal --  
 17 term. (1) There is a board of professional engineers and  
 18 land surveyors.

19 (2) The board consists of seven (7) members appointed  
 20 by the governor. The members are:

21 (a) Five (5) professional engineers who have been  
 22 engaged in the practice of engineering for at least twelve  
 23 (12) years, and who have been in responsible charge of  
 24 engineering teaching or important engineering work for at  
 25 least five (5) years, ~~or responsible charge of engineering~~

1 teaching and registered in Montana for at least five (5)  
 2 years. No more than two (2) of these members may be from  
 3 the same branch of engineering.

4 (b) Two (2) registered and practicing land surveyors  
 5 who have been engaged in the practice of land surveying for  
 6 at least twelve (12) years, and who have been in responsible  
 7 charge of land surveying or important land surveying work  
 8 for at least five (5) years, and registered in Montana for  
 9 at least five (5) years.

10 (3) Each member shall be a citizen of the United  
 11 States, and a resident of this state. ~~Each newly appointed~~  
 12 ~~member shall have qualifications similar to the member whose~~  
 13 ~~term has expired.~~ A member ~~may not serve more than, after~~  
 14 serving two (2) consecutive terms shall not be reappointed  
 15 for a period of two (2) years.

16 (4) Each member shall serve for a term of five (5)  
 17 years. The governor may remove a member for misconduct,  
 18 incompetency, neglect of duty, or for any other sufficient  
 19 cause."

20 Section 2. There is a new R.C.M. section numbered  
 21 66-2350 that reads as follows:

22 66-2350. Definitions. As used in this act:

23 (1) "Professional engineer" means a person who, by  
 24 reason of his special knowledge and use of the mathematical,  
 25 physical, and engineering sciences, and the principles and

1 methods of engineering analysis and design, acquired by  
 2 engineering education and engineering experience, is  
 3 qualified to practice engineering, and who has been duly  
 4 registered and licensed as a professional engineer by the  
 5 board.

6 (2) "Engineer-in-training" means a person who complies  
 7 with the requirements for education, experience, and  
 8 character, and has passed an examination in the fundamental  
 9 engineering subjects, as provided in this act.

10 (3) "Practice of engineering" means any service or  
 11 creative work, as consultation, investigation, evaluation,  
 12 and planning and design of engineering works requiring  
 13 knowledge of the mathematical, physical, and engineering  
 14 sciences. This service or work, either public or private,  
 15 includes: (a) engineering performed in connection with  
 16 city, county, regional, and state planning and planning for  
 17 land and water use; (b) teaching of engineering subjects;  
 18 (c) engineering surveys and inspection of construction  
 19 for the purpose of assuring compliance with drawings and  
 20 specifications; (d) design of work systems, projects,  
 21 utilities, structures, buildings, machines, equipment  
 22 processes, and industrial or consumer products or equipment  
 23 of a mechanical, electrical, hydraulic, pneumatic, or  
 24 thermal nature; and including other professional services  
 25 necessary to the planning, progress, and completion of any

1 engineering services.

2 (4) "Land surveyor" means a person who (a) has been  
 3 duly registered and licensed as a land surveyor by the board  
 4 and (b) is a professional specialist in the technique of  
 5 measuring land, educated in the basic principles of  
 6 mathematics, related physical and applied sciences, and  
 7 relevant requirements of law for adequate evidence and all  
 8 requisite to the surveying of real property and engaged in  
 9 the practice of land surveying as herein defined.

10 (5) "Land surveyor-in-training" means a person who has  
 11 qualified for, taken, and passed an examination on the basic  
 12 disciplines of land surveying as provided in this act.

13 (6) "Practice of land surveying" means any service or  
 14 work, the adequate performance of which requires the  
 15 application of knowledge of the principles of mathematics,  
 16 physical sciences, applied sciences and (a) the principles  
 17 of property boundary law to the recovery and preservation of  
 18 evidence pertaining to earlier land surveys; (b) teaching of  
 19 land surveying subjects; (c) measurement and allocation of  
 20 lines, angles, and elevations; (d) location of natural and  
 21 man-made features in the air, on the surface of the earth,  
 22 within underground workings, and on the beds of bodies of  
 23 water, including such work for the determination of areas  
 24 and volumes; (e) monumenting of property boundaries; (f)  
 25 platting and layout of lands and the subdivisions thereof,

1 including the alignment and grades of streets and roads  
2 therein; and (g) preparation and perpetuation of maps,  
3 plats, field note records, and property descriptions.

4 (7) "Board" means the board of professional engineers  
5 and land surveyors.

6 (8) "Department" means the department of professional  
7 and occupational licensing.

8 (9) "Responsible charge" means direct control and  
9 personal supervision, either of engineering work or of land  
10 surveying, as the case may be. Only professional engineers  
11 or land surveyors may legally assume responsible charge  
12 under this act.

13 Section 3. Section 66-2329 is renumbered 66-2351,  
14 section 66-2331 is renumbered 66-2352, section 66-2332 is  
15 renumbered 66-2353, section 66-2333 is renumbered 66-2354,  
16 and section 66-2334 is renumbered 66-2355.

17 Section 4. Section 66-2335, R.C.M. 1947, is  
18 renumbered 66-2356, and is amended to read as follows:

19 "~~66-2335~~ 66-2356. Roster. A roster showing the names  
20 and places-of-business addresses of registered professional  
21 engineers and registered land surveyors shall be published  
22 by the department during the month of April each year.  
23 Copies of this roster shall be mailed to each person  
24 registered, placed on file with the secretary of state, the  
25 clerk of each incorporated city and town and in the office

1 of each county clerk and recorder within the state, and  
2 furnished to the public on request."

3 Section 5. There is a new R.C.M. section numbered  
4 66-2357 that reads as follows:

5 66-2357. Requirements for registration. The  
6 requirements for engineering and land surveying registration  
7 are:

8 (1) Engineering. To be eligible for admission to  
9 examination for professional engineer or  
10 engineer-in-training, an applicant must be of good character  
11 and reputation and submit five (5) references with his  
12 application for registration as a professional engineer,  
13 three (3) references shall be professional engineers with  
14 personal knowledge of his engineering experience, or in the  
15 case of an application for certification as an  
16 engineer-in-training, by three (3) character references.

17 The following is considered minimum evidence  
18 satisfactory to the board that the applicant is qualified  
19 for registration as a professional engineer, or for  
20 certification as an engineer-in-training respectively.

21 (a) As a professional engineer:

22 (i) Registration by endorsement. A person holding a  
23 certificate of registration to engage in the practice of  
24 engineering, issued to him by a proper authority of a state,  
25 territory, or possession of the United States, the District

1 of Columbia, or any foreign country, based on requirements  
 2 that do not conflict with the provision of the act and were  
 3 of a standard not lower than that specified in the  
 4 applicable registration act in effect in this state at the  
 5 time the certificate was issued, may, upon application, be  
 6 registered without further examination.

7 A person holding a certificate of qualification issued  
 8 by the committee on national engineering certification of  
 9 the national council of engineering examiners, whose  
 10 qualifications meet the requirements of this act, may upon  
 11 application, be registered without further examination.

12 (ii) Engineering -- graduation -- experience --  
 13 examination. A graduate of an engineering curriculum of  
 14 four (4) years or more approved by the board as being of  
 15 satisfactory standing, and with a specific record of an  
 16 additional four (4) years or more of progressive experience  
 17 on engineering projects of a grade and character which  
 18 indicates to the board that the applicant may be competent  
 19 to practice engineering, shall be admitted to an eight-hour  
 20 written examination in the fundamentals of engineering, and  
 21 an eight-hour written examination in the principles and  
 22 practices of engineering. Upon passing such examinations,  
 23 the applicant shall be granted a certificate of registration  
 24 to practice engineering in this state, provided he is  
 25 otherwise qualified.

1 (iii) Engineering-related graduation -- experience --  
 2 examination. A graduate of an engineering or related  
 3 science curriculum of four (4) years or more, other than the  
 4 ones approved by the board as being of satisfactory standing  
 5 and with a specific record of eight (8) years or more of  
 6 progressive experience on engineering projects of a grade  
 7 and character which indicates to the board that the  
 8 applicant may be competent to practice engineering, may be  
 9 admitted to an eight-hour written examination in the  
 10 fundamentals of engineering, and an eight-hour written  
 11 examination in the principles and practices of engineering.  
 12 Upon passing such examinations, the applicant shall be  
 13 granted a certificate of registration to practice  
 14 engineering in this state, provided he is otherwise  
 15 qualified.

16 (iv) Long established practice. A graduate of an  
 17 engineering or related science curriculum of four (4) years  
 18 or more, with a specific record of twenty (20) years or more  
 19 of progressive experience on engineering projects of which  
 20 at least ten (10) years have been in charge of important  
 21 engineering projects, and of a grade and character which  
 22 indicates to the board that the applicant may be competent  
 23 to practice engineering, shall be admitted to an eight-hour  
 24 written examination in the principles and practices of  
 25 engineering. Upon passing such examination, the applicant

1 shall be granted a certificate of registration to practice  
2 engineering in this state, provided he is otherwise  
3 qualified.

4 (v) Temporary qualifications. A specific record of  
5 eight (8) years or more experience in engineering work of a  
6 character satisfactory to the board, and successfully  
7 passing a written or written and oral examination designated  
8 to show that the applicant is competent to practice  
9 engineering. This requirement will automatically expire  
10 four (4) years from the effective date of this act.

11 (vi) Engineering teaching in a college or university  
12 offering an approved engineering curriculum of four (4)  
13 years or more, may be considered as engineering experience  
14 in these requirements provided research, product  
15 development, or consulting has been a concurrent activity.

16 (b) As an engineer-in-training. The following shall  
17 be considered as minimum evidence that the applicant is  
18 qualified for certification as an engineer-in-training:

19 (i) Graduation and examination. A graduate of an  
20 engineering curriculum of four (4) years or more, approved  
21 by the board as being of satisfactory standing, shall be  
22 admitted to an eight-hour written examination in the  
23 fundamentals of engineering. Upon passing such examination,  
24 the applicant shall be certified or enrolled as an  
25 engineer-in-training if he is otherwise qualified.

1 (ii) Graduation -- experience -- examination. A  
2 graduate of an engineering or related science curriculum of  
3 four (4) years or more, other than the ones approved by the  
4 board as being satisfactory standing, and with a specific  
5 record of four (4) or more years of progressive experience  
6 on engineering projects of a grade and character,  
7 satisfactory to the board, shall be admitted to an  
8 eight-hour written examination in the fundamentals of  
9 engineering. Upon passing such examination, the applicant  
10 shall be certified or enrolled as an engineer-in-training,  
11 if he is otherwise qualified.

12 (2) Land surveying. To be eligible for admission to  
13 examination for land surveyor or land surveyor-in-training,  
14 an applicant must be of good character and reputation and  
15 shall submit five (5) references with his application for  
16 registration as a land surveyor, three (3) of which  
17 references shall be registered land surveyors having  
18 personal knowledge of his land surveying experience; or in  
19 the case of an application for certification as a land  
20 surveyor-in-training, by three (3) references, one of whom  
21 shall be a registered land surveyor having personal  
22 knowledge of the applicant's land surveying experience.

23 The evaluation of a land surveyor applicant's  
24 qualifications involves a consideration of his education,  
25 technical, and land surveying experience, exhibits of land

1 surveying projects of which he has been in charge,  
 2 recommendations by references, and a reviewing of these  
 3 categories. An interview may be held at the board's  
 4 discretion. Educational credit for institute courses,  
 5 correspondence courses, etc., shall be determined by the  
 6 board.

7 One of the following shall be considered as minimum  
 8 evidence to the board that the applicant is qualified for  
 9 registration as a land surveyor, or for certification as a  
 10 land surveyor-in-training, respectively.

11 (a) As a land surveyor:

12 (i) Graduation -- experience -- examination. Have a  
 13 bachelor of science degree in an approved curriculum and  
 14 present evidence satisfactory to the board that, in addition  
 15 thereto, he has had at least four (4) years of combined  
 16 office and field experience in land surveying with a minimum  
 17 of three (3) years of experience in charge of land surveying  
 18 projects under the supervision of a registered land surveyor  
 19 and who has passed the examinations as required by the  
 20 board.

21 (ii) Formal education -- experience -- examination.  
 22 Two (2) years of formal education in an approved curriculum  
 23 above high school level with at least ninety (90) quarter  
 24 credit hours passed, or equivalent semester hours, or the  
 25 equivalent approved by the board, and present evidence

1 satisfactory to the board that in addition thereto, he has  
 2 had at least six (6) years of combined office and field  
 3 experience in land surveying with a minimum of four (4)  
 4 years of experience in charge of land surveying projects  
 5 under the supervision of a registered land surveyor and who  
 6 has passed the examinations as required by the board.

7 (iii) Registration by comity or endorsement. A person  
 8 holding a certificate of registration to engage in the  
 9 practice of land surveying issued or comparable  
 10 qualifications from a state, territory, or possession of the  
 11 United States, will be given comity consideration. However,  
 12 he may be asked to take such examinations as the board deems  
 13 necessary to determine his qualifications, but in any event,  
 14 he shall be required to pass a written examination of not  
 15 less than eight-hours duration, which shall include  
 16 questions on laws, procedures, and practices pertaining to  
 17 the practice of land surveying in this state.

18 (iv) Temporary qualifications. A specific record of  
 19 six (6) years or more experience in land surveying work of a  
 20 character satisfactory to the board and indicating that the  
 21 applicant is competent to practice land surveying, and  
 22 successfully passing a written, or written and oral  
 23 examination in land surveying prescribed by the board. This  
 24 requirement will automatically expire two (2) years from the  
 25 effective date of this act.

1 (b) As a land surveyor-in-training:

2 (i) Graduation -- experience -- examination. Have a  
3 bachelor of science degree in an approved curriculum and  
4 present evidence satisfactory to the board that he has had,  
5 in addition thereto, at least two (2) years of combined  
6 office and field experience in land surveying with a minimum  
7 of one (1) year in charge of land surveying projects under  
8 the supervision of a land surveyor, and who has passed the  
9 written examinations required by the board.

10 (ii) Formal education -- experience -- examination.  
11 Have at least two (2) years of formal education in an  
12 approved curriculum above high school level with at least  
13 ninety (90) quarter credit hours passed, or equivalent  
14 semester hours or the equivalent approved by the board, and  
15 present evidence satisfactory to the board that in addition  
16 thereto, he has had at least four (4) years of combined  
17 office and field experience in land surveying with a minimum  
18 of two (2) years in charge of land surveying projects under  
19 the supervision of a land surveyor, and who has passed the  
20 written examinations required by the board.

21 Section 6. Section 66-2337 is renumbered 66-2358.

22 Section 7. There is a new R.C.M. section numbered  
23 66-2359 that reads as follows:

24 66-2359. Examinations. Examination requirements are  
25 as follows:

1 (1) The examinations shall be held at times and places  
2 as the board directs. The board shall determine the  
3 acceptable grade on examinations.

4 (2) Written examinations may be taken only after the  
5 applicant has met the other minimum requirements as given in  
6 section 66-2357 and has been approved by the board for  
7 admission to the examinations as follows:

8 (a) Engineering fundamentals. Consists of an  
9 eight-hour examination on the fundamentals of engineering.  
10 Passing the examination qualifies the examinee for an  
11 engineer-in-training certificate, provided he has met all  
12 other requirements for certification required by this act.

13 (b) Principles -- practice of engineering. Consists  
14 of an eight-hour examination on applied engineering.  
15 Passing this examination qualifies the examinee for  
16 registration as a professional engineer, provided he has met  
17 the other requirements for registration required by this  
18 act.

19 (c) Land surveyor-in-training. Consists of two (2)  
20 four-hour examinations designated as parts I and II, on the  
21 basic disciplines of land surveying. Passing these  
22 examinations qualifies the examinee for a land  
23 surveyor-in-training certificate, provided he has met all  
24 other requirements for certificates required by this act.

25 (d) Land surveyor. Consists of being a land

1 surveyor-in-training and of two (2) four-hour examinations  
 2 designated as parts III and IV, on the applied disciplines  
 3 of land surveying. Passing these examinations qualifies the  
 4 examinee for registration as a land surveyor, provided he  
 5 has met the other requirements for registration required by  
 6 this act.

7 (3) A candidate failing one examination may apply for  
 8 reexamination, which may be granted upon payment of a fee  
 9 established by the board. Before readmission to the  
 10 examination in the event of a second failure, the examinee  
 11 must appear before the board with evidence of having  
 12 acquired the necessary additional knowledge to qualify.

13 Section 8. There is a new R.C.M. section numbered  
 14 66-2360 that reads as follows:

15 66-2360. Certificates of registration. (1) The  
 16 department shall issue to any applicant, who, in the opinion  
 17 of the board, has met the requirements of this act, a  
 18 certificate of registration giving the registrant proper  
 19 authority to practice his profession and to assume  
 20 responsible charge of engineering or land surveying projects  
 21 in this state. The certificate of registration for a  
 22 professional engineer shall carry the designation  
 23 "professional engineer", and for a land surveyor, "land  
 24 surveyor". It shall give the full name of the registrant  
 25 with his serial number and shall be signed by the chairman

1 and the secretary under the seal of the board.

2 (2) This certificate shall be prima facie evidence  
 3 that the person named thereon is entitled to all rights,  
 4 privileges, and responsibilities of a professional engineer  
 5 or land surveyor, while the said certificate of registration  
 6 remains unrevoked or unexpired.

7 (3) Each registrant hereunder may, upon registration,  
 8 obtain a seal of a design authorized by the board, bearing  
 9 the registrant's name, serial number, and the legend,  
 10 "professional engineer" and/or "land surveyor". Plans,  
 11 specifications, plats, and reports prepared by a registrant  
 12 shall, when issued, be certified, signed, and stamped with  
 13 the said seal or facsimile thereof. It shall be unlawful  
 14 for a registrant to affix or permit his seal and signature  
 15 or facsimile thereof to be affixed to any plans,  
 16 specifications, plats, or reports after the expiration of a  
 17 certificate or for the purpose of aiding or abetting any  
 18 other person to evade or attempt to evade any provision of  
 19 this act.

20 (4) The department shall issue to any applicant, who,  
 21 in the opinion of the board, has met the requirements of  
 22 this act, an enrollment card as engineer-in-training or land  
 23 surveyor-in-training, which indicates that his name has been  
 24 recorded as such in the board office. The  
 25 engineer-in-training or land surveyor-in-training enrollment



1 card does not authorize the holder to practice as a  
2 professional engineer or land surveyor.

3 Section 9. Section 66-2340 is renumbered 66-2361, and  
4 section 66-2341 is renumbered 66-2362.

5 Section 10. There is a new R.C.M. section numbered  
6 66-2363 that reads as follows:

7 66-2363. Public works. This state and its political  
8 subdivisions such as counties, cities, towns, townships,  
9 boroughs, or other political entities or legally constituted  
10 boards, commissions, or authorities, or officials or  
11 employees thereof shall not engage in the practice of  
12 engineering or land surveying involving either public or  
13 private property without the project being under the direct  
14 charge and supervision of a professional engineer for  
15 engineering projects, or land surveyor for all land  
16 surveying projects, as provided for the practice of the  
17 respective professions by this act.

18 This state and its political subdivisions such as  
19 counties, cities, towns, townships, boroughs, or other  
20 political entities or legally constituted boards,  
21 commissions, or authorities, or officials or employees  
22 thereof shall not accept plans and specifications for  
23 facilities which will have public access or use for approval  
24 unless they bear the seal of the professional engineer for  
25 engineering projects or the land surveyor for land surveying

1 projects, as provided for the practice of the respective  
2 professions by this act.

3 Section 11. Section 66-2344 is renumbered 66-2364.

4 Section 12. There is a new R.C.M. section numbered  
5 66-2365 that reads as follows:

6 66-2365. Revocation of registration -- hearings --  
7 reissuance of certificate. (1) The board may revoke,  
8 reprimand, suspend, or refuse to renew the certificate of a  
9 registrant found guilty of:

10 (a) Fraud or deceit in obtaining a certificate of  
11 registration.

12 (b) Gross negligence, incompetency, or misconduct in  
13 the practice of engineering or land surveying as a  
14 registered professional engineer or land surveyor.

15 (c) A felony.

16 (d) Violation of rules for professional conduct for  
17 professional engineers and land surveyors adopted by the  
18 board.

19 (e) If a land surveyor, failure to comply with the  
20 corner recordation act.

21 (2) Any person may make charges of fraud, deceit,  
22 gross negligence, incompetency, or misconduct against a  
23 registrant. The charges shall be made by affidavit, and  
24 subscribed and sworn to by the person making them, and filed  
25 with the department. Charges, unless dismissed by the board

1 as unfounded or trivial, shall be heard by the board within  
2 three (3) months after the date on which they were made.

3 (3) The board may require a registrant to take a  
4 written or oral examination, or both, in a proceeding to  
5 revoke, reprimand, suspend, or refuse to renew.

6 (4) If, after hearing, four (4) or more members of the  
7 board vote in favor of sustaining the charges, the board  
8 shall reprimand, suspend, refuse to renew, or revoke the  
9 certificate of registration of the registered professional  
10 engineer or land surveyor.

11 The board, for reasons it considers sufficient, may  
12 reissue a certificate of registration to a person whose  
13 certificate has been revoked if four (4) or more members of  
14 the board vote in favor of the reissuance. A new  
15 certificate of registration, to replace a certificate  
16 revoked, lost, destroyed, or mutilated, may be issued by the  
17 department, subject to the rules of the board.

18 Section 13. Section 66-2346 is renumbered 66-2366.

19 Section 14. There is a new R.C.M. section numbered  
20 66-2367 that reads as follows:

21 66-2367. Exemption clause. The following are exempt  
22 from coverage under this act:

23 (1) The practice of any other legally recognized  
24 professions or trades.

25 (2) The mere execution of work by a contractor, as

1 distinguished from its planning or design or the supervision  
2 of the construction of work as a foreman or superintendent.

3 Section 15. There is a new R.C.M. section numbered  
4 66-2368 that reads as follows:

5 66-2368. Issuance of temporary permits. Temporary  
6 permits are governed by the following:

7 (1) Professional engineer. The practice or offer to  
8 practice engineering by a person not a resident of or having  
9 no established place of business in this state, provided  
10 such person is legally qualified by registration to practice  
11 engineering in his own state or country, provided the  
12 requirements for registration in his home state or country  
13 are not less than those defined in this act. Such person  
14 shall make application to the board in writing. The  
15 application must be accompanied by a fee set by the board.  
16 Upon approval by the board, they may be granted a written  
17 permit for a definite period of time not to exceed one (1)  
18 year to do a specific job, provided, however, no right to  
19 practice engineering shall accrue to such applicant with  
20 respect to any other works not set forth in said permit.

21 (2) Land surveyor. The practice of land surveying  
22 under a temporary permit by a person registered as a land  
23 surveyor in another state is not considered to be in the  
24 best interests of the public and, therefore, shall not be  
25 granted.

1 (3) Employees and subordinates. The work of an  
 2 employee or a subordinate of a person holding a certificate  
 3 of registration under this act, or an employee of a person  
 4 practicing lawfully under subsection (1) of this section;  
 5 provided such work does not include final engineering or  
 6 land surveying designs or decisions and is done under the  
 7 direct supervision of a person holding a certificate of  
 8 registration under this act or a person practicing lawfully  
 9 under subsection (1) of this section.

10 (4) The practice of professional engineering by  
 11 licensed architects where the practice is purely incidental  
 12 to their practice of architecture.

13 (5) The practice of professional engineering or land  
 14 surveying in this state by a firm, copartnership,  
 15 corporation, or joint stock association or by its members,  
 16 officers, or employees on its behalf, if each person  
 17 personally supervising and in direct charge of all  
 18 activities of the firm, copartnership, corporation, or joint  
 19 stock association which constitutes the practice, is a  
 20 professional engineer or land surveyor holding a certificate  
 21 of registration under this act.

22 Section 16. There is a new R.C.M. section numbered  
 23 66-2369 that reads as follows:

24 66-2369. Construction of practical engineering and  
 25 practice land surveying. (1) A person shall be construed to

1 practice or offer to practice engineering, within the  
 2 meaning and intent of this act, who practices any branch of  
 3 the profession of engineering; or who, by verbal claim,  
 4 sign, advertisement, letterhead, card, or in any other way  
 5 represents himself to be a professional engineer, or through  
 6 the use of some other title implies that he is a  
 7 professional engineer or that he is registered under this  
 8 act; or who holds himself out as able to perform, or who  
 9 does perform any engineering service or work or any other  
 10 service designated by the practitioner which is recognized  
 11 as engineering.

12 (2) Any person shall be construed to practice or offer  
 13 to practice land surveying within the meaning and intent of  
 14 this act, who engages in land surveying or who by verbal  
 15 claim, sign, letterhead, card, or in any other way  
 16 represents himself to be a land surveyor, or through the use  
 17 of some other title implies that he is a land surveyor, or  
 18 who represents himself as able to perform, or who does  
 19 perform any land surveying service or work, or any other  
 20 service designated by the practitioner which is recognized  
 21 as land surveying.

22 Section 17. Repealer. Sections 66-2326, 66-2336,  
 23 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347,  
 24 R.C.M. 1947, are repealed.

-End-

Approved by Committee  
on State Administration

1 SENATE BILL NO. 334

2 INTRODUCED BY DUNKLE, HEALY

3 (BY REQUEST OF DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL  
4 LICENSING)

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7 UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND  
8 SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947;  
9 RENUMBERING SECTIONS 66-2324, 66-2329, 66-2331, 66-2332,  
10 66-2333, 66-2334, 66-2335, 66-2337, 66-2340, 66-2344,  
11 66-2346, R.C.M. 1947; AND REPEALING SECTIONS 66-2326,  
12 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, AND 66-2345,  
13 66-2347, R.C.M. 1947."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 82A-1602.11, R.C.M. 1947, is  
17 amended to read as follows:

18 "82A-1602.11. Board of professional engineers and land  
19 surveyors -- appointment -- qualifications -- removal --  
20 term. (1) There is a board of professional engineers and  
21 land surveyors.

22 (2) The board consists of seven (7) members appointed  
23 by the governor. The members are:

24 (a) Five (5) professional engineers who have been  
25 engaged in the practice of engineering for at least twelve

1 (12) years, and who have been in responsible charge of  
2 engineering teaching or important engineering work for at  
3 least five (5) years, or responsible charge of engineering  
4 teaching and registered in Montana for at least five (5)  
5 years. No more than two (2) of these members may be from  
6 the same branch of engineering.

7 (b) Two (2) registered and practicing land surveyors  
8 who have been engaged in the practice of land surveying for  
9 at least twelve (12) years, and who have been in responsible  
10 charge of land surveying or important land surveying work  
11 for at least five (5) years, and registered in Montana for  
12 at least five (5) years.

13 (3) Each member shall be a citizen of the United  
14 States, and a resident of this state. ~~Each newly appointed~~  
15 ~~member shall have qualifications similar to the member whose~~  
16 ~~term has expired.~~ A member may not serve more than, after  
17 serving two (2) consecutive terms shall not be reappointed  
18 for a period of two (2) years.

19 (4) Each member shall serve for a term of five (5)  
20 years. The governor may remove a member for misconduct,  
21 incompetency, neglect of duty, or for any other sufficient  
22 cause."

23 Section 2. There is a new R.C.M. section numbered  
24 66-2350 that reads as follows:

25 66-2350. Definitions. As used in this act:

SECOND READING

(1) "Professional engineer" means a person who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences, and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed as a professional engineer by the board.

(2) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(3) ~~"Practice of engineering" means any service or creative work, as consultation, investigation, evaluation, and planning and design of engineering works requiring knowledge of the mathematical, physical, and engineering sciences. This service or work, either public or private, includes: (a) engineering performed in connection with city, county, regional, and state planning and planning for land and water use; (b) teaching of engineering subjects; (c) engineering surveys and inspection of construction for the purpose of assuring compliance with drawings and specifications; (d) design of work systems, projects, utilities, structures, buildings, machines, equipment processes, and industrial or consumer products or equipment~~

~~of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services necessary to the planning, progress, and completion of any engineering services.~~

"PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF LAND AND WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS, ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK, EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES, STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR THERMAL NATURE, INSOFAR AS THEY INVOLVE SAFEGUARDING LIFE, HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND COMPLETION OF ANY ENGINEERING SERVICES.

A PERSON SHALL BE CONSTRUED TO PRACTICE OR OFFER TO

1 PRACTICE ENGINEERING, WITHIN THE MEANING AND INTENT OF THIS  
 2 ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF  
 3 ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT,  
 4 LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO  
 5 BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER  
 6 TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT  
 7 HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS  
 8 ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE  
 9 OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER  
 10 WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT  
 11 INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE  
 12 OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES,  
 13 SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

14 (4) "Land surveyor" means a person who (a) has been  
 15 duly registered and licensed as a land surveyor by the board  
 16 and (b) is a professional specialist in the technique of  
 17 measuring land, educated in the basic principles of  
 18 mathematics, related physical and applied sciences, and  
 19 relevant requirements of law for adequate evidence and all  
 20 requisite to the surveying of real property and engaged in  
 21 the practice of land surveying as herein defined.

22 (5) "Land surveyor-in-training" means a person who has  
 23 qualified for, taken, and passed an examination on the basic  
 24 disciplines of land surveying as provided in this act.

25 (6) "Practice of land surveying" means any service or

1 work, the adequate performance of which requires the  
 2 application of knowledge of the principles of mathematics,  
 3 physical sciences, applied sciences and (a) the principles  
 4 of property boundary law to the recovery and preservation of  
 5 evidence pertaining to earlier land surveys; (b) teaching of  
 6 land surveying subjects; (c) measurement and allocation of  
 7 lines, angles, and elevations; (d) location of natural and  
 8 man-made features in the air, on the surface of the earth,  
 9 within underground workings, and on the beds of bodies of  
 10 water, including such work for the determination of areas  
 11 and volumes; (e) monumenting of property boundaries; (f)  
 12 platting and layout of lands and the subdivisions thereof,  
 13 including the alignment and grades of streets and roads  
 14 therein; and (g) preparation and perpetuation of maps,  
 15 plats, field note records, and property descriptions.

16 (7) "Board" means the board of professional engineers  
 17 and land surveyors.

18 (8) "Department" means the department of professional  
 19 and occupational licensing.

20 (9) "Responsible charge" means direct control and  
 21 personal supervision, either of engineering work or of land  
 22 surveying, as the case may be. Only professional engineers  
 23 or land surveyors may legally assume responsible charge  
 24 under this act.

25 Section 3. Section 66-2324 IS RENUMBERED 66-2349,

1 SECTION 66-2329 is renumbered 66-2351, section 66-2331 is  
2 renumbered 66-2352, section 66-2332 is renumbered 66-2353,  
3 section 66-2333 is renumbered 66-2354, and section 66-2334  
4 is renumbered 66-2355.

5 Section 4. Section 66-2335, R.C.M. 1947, is  
6 renumbered 66-2356, and is amended to read as follows:

7 "~~66-2335~~ 66-2356. Roster. A roster showing the names  
8 and ~~places-of-business~~ addresses of registered professional  
9 engineers and registered land surveyors shall be published  
10 by the department during the month of April each year.  
11 Copies of this roster shall be mailed to each person  
12 registered, placed on file with the secretary of state, the  
13 clerk of each incorporated city and town and in the office  
14 of each county clerk and recorder within the state, and  
15 furnished to the public on request."

16 Section 5. There is a new R.C.M. section numbered  
17 66-2357 that reads as follows:

18 66-2357. Requirements for registration. The  
19 requirements for engineering and land surveying registration  
20 are:

21 (1) Engineering. To be eligible for admission to  
22 examination for professional engineer or  
23 engineer-in-training, an applicant must be of good character  
24 and reputation and submit five (5) references with his  
25 application for registration as a professional engineer,

1 three (3) references shall be professional engineers with  
2 personal knowledge of his engineering experience, or in the  
3 case of an application for certification as an  
4 engineer-in-training, by three (3) character references.

5 The following is considered minimum evidence  
6 satisfactory to the board that the applicant is qualified  
7 for registration as a professional engineer, or for  
8 certification as an engineer-in-training respectively.

9 (a) As a professional engineer:

10 (i) Registration by endorsement. A person holding a  
11 certificate of registration to engage in the practice of  
12 engineering, issued to him by a proper authority of a state,  
13 territory, or possession of the United States, the District  
14 of Columbia, or any foreign country, based on requirements  
15 that do not conflict with the provision of the act and were  
16 of a standard not lower than that specified in the  
17 applicable registration act in effect in this state at the  
18 time the certificate was issued, may, upon application, be  
19 registered without further examination.

20 A person holding a certificate of qualification issued  
21 by the committee on national engineering certification of  
22 the national council of engineering examiners, whose  
23 qualifications meet the requirements of this act, may upon  
24 application, be registered without further examination.

25 (ii) Engineering -- graduation -- experience --

1 examination. A graduate of an engineering curriculum of  
 2 four (4) years or more approved by the board as being of  
 3 satisfactory standing, and with a specific record of an  
 4 additional four (4) years or more of progressive experience  
 5 on engineering projects of a grade and character which  
 6 indicates to the board that the applicant may be competent  
 7 to practice engineering, shall be admitted to an eight-hour  
 8 written examination in the fundamentals of engineering, and  
 9 an eight-hour written examination in the principles and  
 10 practices of engineering. Upon passing such examinations,  
 11 the applicant shall be granted a certificate of registration  
 12 to practice engineering in this state, provided he is  
 13 otherwise qualified.

14 (iii) Engineering-related graduation -- experience --  
 15 examination. A graduate of an engineering or related  
 16 science curriculum of four (4) years or more, other than the  
 17 ones approved by the board as being of satisfactory standing  
 18 and with a specific record of eight (8) years or more of  
 19 progressive experience on engineering projects of a grade  
 20 and character which indicates to the board that the  
 21 applicant may be competent to practice engineering, may be  
 22 admitted to an eight-hour written examination in the  
 23 fundamentals of engineering, and an eight-hour written  
 24 examination in the principles and practices of engineering.  
 25 Upon passing such examinations, the applicant shall be

1 granted a certificate of registration to practice  
 2 engineering in this state, provided he is otherwise  
 3 qualified.

4 (iv) Long established practice. A graduate of an  
 5 engineering or related science curriculum of four (4) years  
 6 or more, with a specific record of twenty (20) years or more  
 7 of progressive experience on engineering projects of which  
 8 at least ten (10) years have been in charge of important  
 9 engineering projects, and of a grade and character which  
 10 indicates to the board that the applicant may be competent  
 11 to practice engineering, shall be admitted to an eight-hour  
 12 written examination in the principles and practices of  
 13 engineering. Upon passing such examination, the applicant  
 14 shall be granted a certificate of registration to practice  
 15 engineering in this state, provided he is otherwise  
 16 qualified.

17 (v) Temporary qualifications. A specific record of  
 18 eight (8) years or more experience in engineering work of a  
 19 character satisfactory to the board, and successfully  
 20 passing a written or written and oral examination designated  
 21 to show that the applicant is competent to practice  
 22 engineering. This requirement will automatically expire  
 23 four (4) years from the effective date of this act.

24 (vi) Engineering teaching in a college or university  
 25 offering an approved engineering curriculum of four (4)



1 years or more, may be considered as engineering experience  
2 in these requirements provided research, product  
3 development, or consulting has been a concurrent activity.

4 (b) As an engineer-in-training. The following shall  
5 be considered as minimum evidence that the applicant is  
6 qualified for certification as an engineer-in-training:

7 (i) Graduation and examination. A graduate of an  
8 engineering curriculum of four (4) years or more, approved  
9 by the board as being of satisfactory standing, shall be  
10 admitted to an eight-hour written examination in the  
11 fundamentals of engineering. Upon passing such examination,  
12 the applicant shall be certified or enrolled as an  
13 engineer-in-training if he is otherwise qualified.

14 (ii) Graduation -- experience -- examination. A  
15 graduate of an engineering or related science curriculum of  
16 four (4) years or more, other than the ones approved by the  
17 board as being satisfactory standing, and with a specific  
18 record of four (4) or more years of progressive experience  
19 on engineering projects of a grade and character,  
20 satisfactory to the board, shall be admitted to an  
21 eight-hour written examination in the fundamentals of  
22 engineering. Upon passing such examination, the applicant  
23 shall be certified or enrolled as an engineer-in-training,  
24 if he is otherwise qualified.

25 (2) Land surveying. To be eligible for admission to

1 examination for land surveyor or land surveyor-in-training,  
2 an applicant must be of good character and reputation and  
3 shall submit five (5) references with his application for  
4 registration as a land surveyor, three (3) of which  
5 references shall be registered land surveyors having  
6 personal knowledge of his land surveying experience; or in  
7 the case of an application for certification as a land  
8 surveyor-in-training, by three (3) references, one of whom  
9 shall be a registered land surveyor having personal  
10 knowledge of the applicant's land surveying experience.

11 The evaluation of a land surveyor applicant's  
12 qualifications involves a consideration of his education,  
13 technical, and land surveying experience, exhibits of land  
14 surveying projects of which he has been in charge,  
15 recommendations by references, and a reviewing of these  
16 categories. An interview may be held at the board's  
17 discretion. Educational credit for institute courses,  
18 correspondence courses, etc., shall be determined by the  
19 board.

20 One of the following shall be considered as minimum  
21 evidence to the board that the applicant is qualified for  
22 registration as a land surveyor, or for certification as a  
23 land surveyor-in-training, respectively.

24 (a) As a land surveyor:

25 (i) Graduation -- experience -- examination. Have a

1 bachelor of science degree in an approved curriculum and  
 2 present evidence satisfactory to the board that, in addition  
 3 thereto, he has had at least four (4) years of combined  
 4 office and field experience in land surveying with a minimum  
 5 of three (3) years of experience in charge of land surveying  
 6 projects under the supervision of a registered land surveyor  
 7 and who has passed the examinations as required by the  
 8 board.

9 (ii) Formal education -- experience -- examination.

10 Two (2) years of formal education in an approved curriculum  
 11 above high school level with at least ninety (90) quarter  
 12 credit hours passed, or equivalent semester hours, or the  
 13 equivalent approved by the board, and present evidence  
 14 satisfactory to the board that in addition thereto, he has  
 15 had at least six (6) years of combined office and field  
 16 experience in land surveying with a minimum of four (4)  
 17 years of experience in charge of land surveying projects  
 18 under the supervision of a registered land surveyor and who  
 19 has passed the examinations as required by the board.

20 (iii) Registration by comity or endorsement. A person  
 21 holding a certificate of registration to engage in the  
 22 practice of land surveying issued or comparable  
 23 qualifications from a state, territory, or possession of the  
 24 United States, will be given comity consideration. However,  
 25 he may be asked to take such examinations as the board deems

1 necessary to determine his qualifications, but in any event,  
 2 he shall be required to pass a written examination of not  
 3 less than eight-hours duration, which shall include  
 4 questions on laws, procedures, and practices pertaining to  
 5 the practice of land surveying in this state.

6 (iv) Temporary qualifications. A specific record of  
 7 six (6) years or more experience in land surveying work of a  
 8 character satisfactory to the board and indicating that the  
 9 applicant is competent to practice land surveying, and  
 10 successfully passing a written, or written and oral  
 11 examination in land surveying prescribed by the board. This  
 12 requirement will automatically expire two (2) years from the  
 13 effective date of this act.

14 (b) As a land surveyor-in-training:

15 (i) Graduation -- experience -- examination. Have a  
 16 bachelor of science degree in an approved curriculum and  
 17 present evidence satisfactory to the board that he has had,  
 18 in addition thereto, at least two (2) years of combined  
 19 office and field experience in land surveying with a minimum  
 20 of one (1) year in charge of land surveying projects under  
 21 the supervision of a land surveyor, and who has passed the  
 22 written examinations required by the board.

23 (ii) Formal education -- experience -- examination.  
 24 Have at least two (2) years of formal education in an  
 25 approved curriculum above high school level with at least

1 ninety (90) quarter credit hours passed, or equivalent  
 2 semester hours or the equivalent approved by the board, and  
 3 present evidence satisfactory to the board that in addition  
 4 thereto, he has had at least four (4) years of combined  
 5 office and field experience in land surveying with a minimum  
 6 of two (2) years in charge of land surveying projects under  
 7 the supervision of a land surveyor, and who has passed the  
 8 written examinations required by the board.

9 Section 6. Section 66-2337 is renumbered 66-2358.

10 Section 7. There is a new R.C.M. section numbered  
 11 66-2359 that reads as follows:

12 66-2359. Examinations. Examination requirements are  
 13 as follows:

14 (1) The examinations shall be held at times and places  
 15 as the board directs. The board shall determine the  
 16 acceptable grade on examinations.

17 (2) Written examinations may be taken only after the  
 18 applicant has met the other minimum requirements as given in  
 19 section 66-2357 and has been approved by the board for  
 20 admission to the examinations as follows:

21 (a) Engineering fundamentals. Consists of an  
 22 eight-hour examination on the fundamentals of engineering.  
 23 Passing the examination qualifies the examinee for an  
 24 engineer-in-training certificate, provided he has met all  
 25 other requirements for certification required by this act.

1 (b) Principles -- practice of engineering. Consists  
 2 of an eight-hour examination on applied engineering.  
 3 Passing this examination qualifies the examinee for  
 4 registration as a professional engineer, provided he has met  
 5 the other requirements for registration required by this  
 6 act.

7 (c) Land surveyor-in-training. Consists of two (2)  
 8 four-hour examinations designated as parts I and II, on the  
 9 basic disciplines of land surveying. Passing these  
 10 examinations qualifies the examinee for a land  
 11 surveyor-in-training certificate, provided he has met all  
 12 other requirements for certificates required by this act.

13 (d) Land surveyor. Consists of being a land  
 14 surveyor-in-training and of two (2) four-hour examinations  
 15 designated as parts III and IV, on the applied disciplines  
 16 of land surveying. Passing these examinations qualifies the  
 17 examinee for registration as a land surveyor, provided he  
 18 has met the other requirements for registration required by  
 19 this act.

20 (3) A candidate failing one examination may apply for  
 21 reexamination, which may be granted upon payment of a fee  
 22 established by the board. Before readmission to the  
 23 examination in the event of a second failure, the examinee  
 24 must appear before the board with evidence of having  
 25 acquired the necessary additional knowledge to qualify.

1 Section 8. There is a new R.C.M. section numbered  
2 66-2360 that reads as follows:

3 66-2360. Certificates of registration--SEAL. (1) The  
4 department shall issue to any applicant, who, in the opinion  
5 of the board, has met the requirements of this act, a  
6 certificate of registration giving the registrant proper  
7 authority to practice his profession and to assume  
8 responsible charge of engineering or land surveying projects  
9 in this state. The certificate of registration for a  
10 professional engineer shall carry the designation  
11 "professional engineer", and for a land surveyor, "land  
12 surveyor". It shall give the full name of the registrant  
13 with his serial number and shall be signed by the chairman  
14 and the secretary under the seal of the board.

15 (2) This certificate shall be prima facie evidence  
16 that the person named thereon is entitled to all rights,  
17 privileges, and responsibilities of a professional engineer  
18 or land surveyor, while the said certificate of registration  
19 remains unrevoked or unexpired.

20 (3) Each registrant hereunder may, upon registration,  
21 obtain a seal of a design authorized by the board, bearing  
22 the registrant's name, serial number, and the legend,  
23 "professional engineer" and/or "land surveyor". Plans,  
24 specifications, plats, and reports prepared by a registrant  
25 shall, when issued, be certified, signed, and stamped with

1 the said seal or facsimile thereof. It shall be unlawful  
2 for a registrant to affix or permit his seal and signature  
3 or facsimile thereof to be affixed to any plans,  
4 specifications, plats, or reports after the expiration of a  
5 certificate or for the purpose of aiding or abetting any  
6 other person to evade or attempt to evade any provision of  
7 this act.

8 (4) The department shall issue to any applicant, who,  
9 in the opinion of the board, has met the requirements of  
10 this act, an enrollment card as engineer-in-training or land  
11 surveyor-in-training, which indicates that his name has been  
12 recorded as such in the board office. The  
13 engineer-in-training or land surveyor-in-training enrollment  
14 card does not authorize the holder to practice as a  
15 professional engineer or land surveyor.

16 Section 9. Section 66-2340 is renumbered 66-2361,--and  
17 ~~section-66-2341-is-renumbered-66-2362.~~

18 SECTION 10. SECTION 66-2341, R.C.M. 1947, IS  
19 RENUMBERED 66-2362, AND IS AMENDED TO READ AS FOLLOWS:

20 "~~66-2341~~ 66-2362. Persons presently registered as  
21 ~~civil~~ professional engineer and/or land surveyor. No person  
22 who heretofore has been duly registered as a ~~civil~~  
23 professional engineer and/or land surveyor under the laws of  
24 Montana and whose registration has not been revoked shall be  
25 required to register again under this act, and his former

1 registration shall be fully recognized under the provisions  
 2 of this act. All certificates including those for  
 3 engineer-in-training heretofore issued and not revoked shall  
 4 have the same force and effect as if they had been issued  
 5 under the provisions of this act, and shall be subject to  
 6 the same rules, terms and conditions as are the certificates  
 7 provided for in this act."

8 Section 11. There is a new R.C.M. section numbered  
 9 66-2363 that reads as follows:

10 66-2363. Public works. This state and its political  
 11 subdivisions such as counties, cities, towns, townships,  
 12 boroughs, or other political entities or legally constituted  
 13 boards, commissions, or authorities, or officials or  
 14 employees thereof shall not engage in the practice of  
 15 engineering or land surveying involving either public or  
 16 private property without the project being under the direct  
 17 charge and supervision of a professional engineer for  
 18 engineering projects, or land surveyor for all land  
 19 surveying projects, as provided for the practice of the  
 20 respective professions by this act.

21 This state and its political subdivisions such as  
 22 counties, cities, towns, townships, boroughs, or other  
 23 political entities or legally constituted boards,  
 24 commissions, or authorities, or officials or employees  
 25 thereof shall not accept plans and specifications for

1 ~~facilities--which--will--have--public--access--or--use~~ PUBLIC  
 2 BUILDINGS, WATER SYSTEMS AND STORAGE FACILITIES, SEWERAGE  
 3 SYSTEMS, WASTE WATER DISPOSAL PROJECTS, SWIMMING POOLS,  
 4 RECREATIONAL FACILITIES, AND SIMILAR TYPE PROJECTS WHICH MAY  
 5 HAVE A DIRECT BEARING ON THE PUBLIC HEALTH AND SAFETY for  
 6 approval unless they bear the seal of the professional  
 7 engineer for engineering projects or the land surveyor for  
 8 land surveying projects, as provided for the practice of the  
 9 respective professions by this act.

10 Section 12. Section 66-2344 is renumbered 66-2364.

11 Section 13. There is a new R.C.M. section numbered  
 12 66-2365 that reads as follows:

13 66-2365. Revocation of registration -- hearings --  
 14 reissuance of certificate. (1) The board may revoke,  
 15 reprimand, suspend, or refuse to renew the certificate of a  
 16 registrant found guilty of:

17 (a) Fraud or deceit in obtaining a certificate of  
 18 registration.

19 (b) Gross negligence, incompetency, or misconduct in  
 20 the practice of engineering or land surveying as a  
 21 registered professional engineer or land surveyor.

22 (c) A felony.

23 (d) Violation of rules for professional conduct for  
 24 professional engineers and land surveyors adopted by the  
 25 board.

1 (e) If a land surveyor, failure to comply with the  
2 corner recordation act.

3 (2) Any person may make charges of fraud, deceit,  
4 gross negligence, incompetency, or misconduct against a  
5 registrant. The charges shall be made by affidavit, and  
6 subscribed and sworn to by the person making them, and filed  
7 with the department. Charges, unless dismissed by the board  
8 as unfounded or trivial, shall be heard by the board within  
9 three (3) months after the date on which they were made.

10 (3) The board may require a registrant to take a  
11 written or oral examination, or both, in a proceeding to  
12 revoke, reprimand, suspend, or refuse to renew.

13 (4) If, after hearing, four (4) or more members of the  
14 board vote in favor of sustaining the charges, the board  
15 shall reprimand, suspend, refuse to renew, or revoke the  
16 certificate of registration of the registered professional  
17 engineer or land surveyor.

18 The board, for reasons it considers sufficient, may  
19 reissue a certificate of registration to a person whose  
20 certificate has been revoked if four (4) or more members of  
21 the board vote in favor of the reissuance. A new  
22 certificate of registration, to replace a certificate  
23 revoked, lost, destroyed, or mutilated, may be issued by the  
24 department, subject to the rules of the board.

25 Section 14. Section 66-2346 is renumbered 66-2366.

1 Section 15. There is a new R.C.M. section numbered  
2 66-2367 that reads as follows:

3 66-2367. Exemption clause. The following are exempt  
4 from coverage under this act:

5 (1) The practice of any other legally recognized  
6 professions or trades.

7 (2) The mere execution of work by a contractor, as  
8 distinguished from its planning or design or the supervision  
9 of the construction of work as a foreman or superintendent  
10 OR INSPECTION OF CONSTRUCTION WORK BY A FIELD MANAGER OF AN  
11 ENGINEERING FIRM OR AGENCY.

12 (3) EMPLOYEES AND SUBORDINATES. THE WORK OF AN  
13 EMPLOYEE OR A SUBORDINATE OF A PERSON HOLDING A CERTIFICATE  
14 OF REGISTRATION UNDER THIS ACT, OR AN EMPLOYEE OF A PERSON  
15 PRACTICING LAWFULLY UNDER THIS ACT; PROVIDED SUCH WORK DOES  
16 NOT INCLUDE FINAL ENGINEERING OR LAND SURVEYING DESIGNS OR  
17 DECISIONS AND IS DONE UNDER THE DIRECT SUPERVISION OF A  
18 PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT  
19 OR A PERSON PRACTICING LAWFULLY UNDER THIS ACT.

20 (4) THE PRACTICE OF PROFESSIONAL ENGINEERING BY  
21 LICENSED ARCHITECTS WHERE THE PRACTICE IS PURELY INCIDENTAL  
22 TO THEIR PRACTICE OF ARCHITECTURE.

23 (5) THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND  
24 SURVEYING IN THIS STATE BY A FIRM, CO-PARTNERSHIP,  
25 CORPORATION, OR JOINT STOCK ASSOCIATION OR BY ITS MEMBERS,

1 OFFICERS, OR EMPLOYEES ON ITS BEHALF, IF EACH PERSON  
 2 PERSONALLY SUPERVISING AND IN DIRECT CHARGE OF ALL  
 3 ACTIVITIES OF THE FIRM, CO-PARTNERSHIP, CORPORATION, OR  
 4 JOINT STOCK ASSOCIATION WHICH CONSTITUTES THE PRACTICE, IS A  
 5 PROFESSIONAL ENGINEER OR LAND SURVEYOR HOLDING A CERTIFICATE  
 6 OF REGISTRATION UNDER THIS ACT.

7 Section 16. There is a new R.C.M. section numbered  
 8 66-2368 that reads as follows:

9 66-2368. Issuance of temporary permits. Temporary  
 10 permits are governed by the following:

11 (1) Professional engineer. The practice or offer to  
 12 practice engineering by a person not a resident of or having  
 13 no established place of business in this state, provided  
 14 such person is legally qualified by registration to practice  
 15 engineering in his own state or country, provided the  
 16 requirements for registration in his home state or country  
 17 are not less than those defined in this act. Such person  
 18 shall make application to the board in writing. The  
 19 application must be accompanied by a fee set by the board.  
 20 Upon approval by the board, they may be granted a written  
 21 permit for a definite period of time not to exceed one (1)  
 22 year to do a specific job, provided, however, no right to  
 23 practice engineering shall accrue to such applicant with  
 24 respect to any other works not set forth in said permit.

25 (2) Land surveyor. The practice of land surveying

1 under a temporary permit by a person registered as a land  
 2 surveyor in another state is not considered to be in the  
 3 best interests of the public and, therefore, shall not be  
 4 granted.

5 ~~(3) Employees and subordinates. The work of an~~  
 6 ~~employee or a subordinate of a person holding a certificate~~  
 7 ~~of registration under this act, or an employee of a person~~  
 8 ~~practicing lawfully under subsection (1) of this section,~~  
 9 ~~provided such work does not include final engineering or~~  
 10 ~~land surveying designs or decisions and is done under the~~  
 11 ~~direct supervision of a person holding a certificate of~~  
 12 ~~registration under this act or a person practicing lawfully~~  
 13 ~~under subsection (1) of this section.~~

14 ~~(4) The practice of professional engineering by~~  
 15 ~~licensed architects where the practice is purely incidental~~  
 16 ~~to their practice of architecture.~~

17 ~~(5) The practice of professional engineering or land~~  
 18 ~~surveying in this state by a firm, copartnership,~~  
 19 ~~corporation, or joint stock association or by its members,~~  
 20 ~~officers, or employees on its behalf, if each person~~  
 21 ~~personally supervising and in direct charge of all~~  
 22 ~~activities of the firm, copartnership, corporation, or joint~~  
 23 ~~stock association which constitutes the practice, is a~~  
 24 ~~professional engineer or land surveyor holding a certificate~~  
 25 ~~of registration under this act.~~

1 Section 17. There is a new R.C.M. section numbered  
2 66-2369 that reads as follows:

3 66-2369. ~~Construction~~ INTERPRETATION of ~~practical~~  
4 PRACTICE OF engineering and practice OF land surveying. (1)  
5 A person shall be construed to practice or offer to practice  
6 engineering, within the meaning and intent of this act, who  
7 practices any branch of the profession of engineering; or  
8 who, by verbal claim, sign, advertisement, letterhead, card,  
9 or in any other way represents himself to be a professional  
10 engineer, or through the use of some other title implies  
11 that he is a professional engineer or that he is registered  
12 under this act; or who holds himself out as able to perform,  
13 or who does perform any engineering service or work or any  
14 other service designated by the practitioner which is  
15 recognized as engineering.

16 (2) Any person shall be construed to practice or offer  
17 to practice land surveying within the meaning and intent of  
18 this act, who engages in land surveying or who by verbal  
19 claim, sign, letterhead, card, or in any other way  
20 represents himself to be a land surveyor, or through the use  
21 of some other title implies that he is a land surveyor, or  
22 who represents himself as able to perform, or who does  
23 perform any land surveying service or work, or any other  
24 service designated by the practitioner which is recognized  
25 as land surveying.

1 Section 18. Repealer. Sections 66-2326, 66-2336,  
2 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347,  
3 R.C.M. 1947, are repealed.

-End-



1 SENATE BILL NO. 334

2 INTRODUCED BY DUNKLE, HEALY

3 (BY REQUEST OF DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL  
4 LICENSING)

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7 UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND  
8 SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947;  
9 RENUMBERING SECTIONS 66-2324, 66-2329, 66-2331, 66-2332,  
10 66-2333, 66-2334, 66-2335, 66-2337, 66-2340, 66-2344,  
11 66-2346, R.C.M. 1947; AND REPEALING SECTIONS 66-2326,  
12 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, AND 66-2345,  
13 66-2347, R.C.M. 1947."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 82A-1602.11, R.C.M. 1947, is  
17 amended to read as follows:

18 "82A-1602.11. Board of professional engineers and land  
19 surveyors — appointment — qualifications — removal —  
20 term. (1) There is a board of professional engineers and  
21 land surveyors.

22 (2) The board consists of seven (7) members appointed  
23 by the governor. The members are:

24 (a) Five (5) professional engineers who have been  
25 engaged in the practice of engineering for at least twelve

1 (12) years, and who have been in responsible charge of  
2 engineering teaching or important engineering work for at  
3 least five (5) years, ~~or responsible charge of engineering~~  
4 teaching and registered in Montana for at least five (5)  
5 years. No more than two (2) of these members may be from  
6 the same branch of engineering.

7 (b) Two (2) registered and practicing land surveyors  
8 who have been engaged in the practice of land surveying for  
9 at least twelve (12) years, and who have been in responsible  
10 charge of land surveying or important land surveying work  
11 for at least five (5) years, and registered in Montana for  
12 at least five (5) years.

13 (3) Each member shall be a citizen of the United  
14 States, and a resident of this state. ~~Each newly appointed~~  
15 ~~member shall have qualifications similar to the member whose~~  
16 ~~term has expired. A member may not serve more than, after~~  
17 servng two (2) consecutive terms shall not be reappointed  
18 for a period of two (2) years.

19 (4) Each member shall serve for a term of five (5)  
20 years. The governor may remove a member for misconduct,  
21 incompetency, neglect of duty, or for any other sufficient  
22 cause."

23 Section 2. There is a new R.C.M. section numbered  
24 66-2350 that reads as follows:

25 66-2350. Definitions. As used in this act:

1 (1) "Professional engineer" means a person who, by  
 2 reason of his special knowledge and use of the mathematical,  
 3 physical, and engineering sciences, and the principles and  
 4 methods of engineering analysis and design, acquired by  
 5 engineering education and engineering experience, is  
 6 qualified to practice engineering, and who has been duly  
 7 registered and licensed as a professional engineer by the  
 8 board.

9 (2) "Engineer-in-training" means a person who complies  
 10 with the requirements for education, experience, and  
 11 character, and has passed an examination in the fundamental  
 12 engineering subjects, as provided in this act.

13 ~~(3) "Practice of engineering" means any service or~~  
 14 ~~creative work as consultation, investigation, evaluation,~~  
 15 ~~and planning and design of engineering works requiring~~  
 16 ~~knowledge of the mathematical, physical, and engineering~~  
 17 ~~sciences. This service or work, either public or private,~~  
 18 ~~includes: (a) engineering performed in connection with~~  
 19 ~~city, county, regional, and state planning and planning for~~  
 20 ~~land and water use; (b) teaching of engineering subjects;~~  
 21 ~~(c) engineering surveys and inspection of construction for~~  
 22 ~~the purpose of assuring compliance with drawings and~~  
 23 ~~specifications; (d) design of work systems, projects,~~  
 24 ~~utilities, structures, buildings, machines, equipment~~  
 25 ~~processes, and industrial or consumer products or equipment~~

1 ~~of a mechanical, electrical, hydraulic, pneumatic, or~~  
 2 ~~thermal nature, and including other professional services~~  
 3 ~~necessary to the planning, progress, and completion of any~~  
 4 ~~engineering services.~~

5 "PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE  
 6 WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING  
 7 EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF  
 8 SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND  
 9 ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS  
 10 CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN  
 11 OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF LAND  
 12 AND WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS,  
 13 ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR  
 14 THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND  
 15 SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK,  
 16 EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES,  
 17 STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK  
 18 SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR  
 19 EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR  
 20 THERMAL NATURE, IN SO FAR AS THEY INVOLVE SAFEGUARDING LIFE,  
 21 HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL  
 22 SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND  
 23 COMPLETION OF ANY ENGINEERING SERVICES.

24 A PERSON SHALL BE CONSTRUED TO PRACTICE OR OFFER TO  
 25 PRACTICE ENGINEERING, WITHIN THE MEANING AND INTENT OF THIS

1 ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF  
 2 ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT,  
 3 LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO  
 4 BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER  
 5 TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT  
 6 HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS  
 7 ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE  
 8 OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER  
 9 WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT  
 10 INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE  
 11 OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES,  
 12 SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

13 (4) "Land surveyor" means a person who (a) has been  
 14 duly registered and licensed as a land surveyor by the board  
 15 and (b) is a professional specialist in the technique of  
 16 measuring land, educated in the basic principles of  
 17 mathematics, related physical and applied sciences, and  
 18 relevant requirements of law for adequate evidence and all  
 19 requisite to the surveying of real property and engaged in  
 20 the practice of land surveying as herein defined.

21 (5) "Land surveyor-in-training" means a person who has  
 22 qualified for, taken, and passed an examination on the basic  
 23 disciplines of land surveying as provided in this act.

24 (6) "Practice of land surveying" means any service or  
 25 work, the adequate performance of which requires the

1 application of knowledge of the principles of mathematics,  
 2 physical sciences, applied sciences and (a) the principles  
 3 of property boundary law to the recovery and preservation of  
 4 evidence pertaining to earlier land surveys; (b) teaching of  
 5 land surveying subjects; (c) measurement and allocation of  
 6 lines, angles, and elevations; (d) location of natural and  
 7 man-made features in the air, on the surface of the earth,  
 8 within underground workings, and on the beds of bodies of  
 9 water, including such work for the determination of areas  
 10 and volumes; (e) monumenting of property boundaries; (f)  
 11 platting and layout of lands and the subdivisions thereof,  
 12 including the alignment and grades of streets and roads  
 13 therein; and (g) preparation and perpetuation of maps,  
 14 plats, field note records, and property descriptions.

15 (7) "Board" means the board of professional engineers  
 16 and land surveyors.

17 (8) "Department" means the department of professional  
 18 and occupational licensing.

19 (9) "Responsible charge" means direct control and  
 20 personal supervision, either of engineering work or of land  
 21 surveying, as the case may be. Only professional engineers  
 22 or land surveyors may legally assume responsible charge  
 23 under this act.

24 Section 3. Section 66-2324 IS RENUMBERED 66-2349,  
 25 SECTION 66-2329 is renumbered 66-2357, section 66-2331 is

1 renumbered 66-2352, section 66-2332 is renumbered 66-2353,  
 2 section 66-2333 is renumbered 66-2354, and section 66-2334  
 3 is renumbered 66-2355.

4 Section 4. Section 66-2335, R.C.M. 1947, is  
 5 renumbered 66-2356, and is amended to read as follows:

6 ~~"66-2335~~ 66-2356. Roster. A roster showing the names  
 7 and ~~places of business~~ addresses of registered professional  
 8 engineers and registered land surveyors shall be published  
 9 by the department during the month of April each year.  
 10 Copies of this roster shall be mailed to each person  
 11 registered, placed on file with the secretary of state, the  
 12 clerk of each incorporated city and town and in the office  
 13 of each county clerk and recorder within the state, and  
 14 furnished to the public on request."

15 Section 5. There is a new R.C.M. section numbered  
 16 66-2357 that reads as follows:

17 66-2357. Requirements for registration. The  
 18 requirements for engineering and land surveying registration  
 19 are:

20 (1) Engineering. To be eligible for admission to  
 21 examination for professional engineer or  
 22 engineer-in-training, an applicant must be of good character  
 23 and reputation and submit five (5) references with his  
 24 application for registration as a professional engineer,  
 25 three (3) references shall be professional engineers with

1 personal knowledge of his engineering experience, or in the  
 2 case of an application for certification as an  
 3 engineer-in-training, by three (3) character references.

4 The following is considered minimum evidence  
 5 satisfactory to the board that the applicant is qualified  
 6 for registration as a professional engineer, or for  
 7 certification as an engineer-in-training respectively.

8 (a) As a professional engineer:

9 (i) Registration by endorsement. A person holding a  
 10 certificate of registration to engage in the practice of  
 11 engineering, issued to him by a proper authority of a state,  
 12 territory, or possession of the United States, the District  
 13 of Columbia, or any foreign country, based on requirements  
 14 that do not conflict with the provision of the act and were  
 15 of a standard not lower than that specified in the  
 16 applicable registration act in effect in this state at the  
 17 time the certificate was issued, may, upon application, be  
 18 registered without further examination.

19 A person holding a certificate of qualification issued  
 20 by the committee on national engineering certification of  
 21 the national council of engineering examiners, whose  
 22 qualifications meet the requirements of this act, may upon  
 23 application, be registered without further examination.

24 (ii) Engineering — graduation — experience —  
 25 examination. A graduate of an engineering curriculum of

1 four (4) years or more approved by the board as being of  
 2 satisfactory standing, and with a specific record of an  
 3 additional four (4) years or more of progressive experience  
 4 on engineering projects of a grade and character which  
 5 indicates to the board that the applicant may be competent  
 6 to practice engineering, shall be admitted to an eight-hour  
 7 written examination in the fundamentals of engineering, and  
 8 an eight-hour written examination in the principles and  
 9 practices of engineering. Upon passing such examinations,  
 10 the applicant shall be granted a certificate of registration  
 11 to practice engineering in this state, provided he is  
 12 otherwise qualified.

13 (iii) Engineering-related graduation — experience —  
 14 examination. A graduate of an engineering or related  
 15 science curriculum of four (4) years or more, other than the  
 16 ones approved by the board as being of satisfactory standing  
 17 and with a specific record of eight (8) years or more of  
 18 progressive experience on engineering projects of a grade  
 19 and character which indicates to the board that the  
 20 applicant may be competent to practice engineering, may be  
 21 admitted to an eight-hour written examination in the  
 22 fundamentals of engineering, and an eight-hour written  
 23 examination in the principles and practices of engineering.  
 24 Upon passing such examinations, the applicant shall be  
 25 granted a certificate of registration to practice

1 engineering in this state, provided he is otherwise  
 2 qualified.

3 (iv) Long established practice. A graduate of an  
 4 engineering or related science curriculum of four (4) years  
 5 or more, with a specific record of twenty (20) years or more  
 6 of progressive experience on engineering projects of which  
 7 at least ten (10) years have been in charge of important  
 8 engineering projects, and of a grade and character which  
 9 indicates to the board that the applicant may be competent  
 10 to practice engineering, shall be admitted to an eight-hour  
 11 written examination in the principles and practices of  
 12 engineering. Upon passing such examination, the applicant  
 13 shall be granted a certificate of registration to practice  
 14 engineering in this state, provided he is otherwise  
 15 qualified.

16 (v) Temporary qualifications. A specific record of  
 17 eight (8) years or more experience in engineering work of a  
 18 character satisfactory to the board, and successfully  
 19 passing a written or written and oral examination designated  
 20 to show that the applicant is competent to practice  
 21 engineering. This requirement will automatically expire  
 22 four (4) years from the effective date of this act.

23 (vi) Engineering teaching in a college or university  
 24 offering an approved engineering curriculum of four (4)  
 25 years or more, may be considered as engineering experience

1 in these requirements provided research, product  
2 development, or consulting has been a concurrent activity.

3 (b) As an engineer-in-training. The following shall  
4 be considered as minimum evidence that the applicant is  
5 qualified for certification as an engineer-in-training:

6 (i) Graduation and examination. A graduate of an  
7 engineering curriculum of four (4) years or more, approved  
8 by the board as being of satisfactory standing, shall be  
9 admitted to an eight-hour written examination in the  
10 fundamentals of engineering. Upon passing such examination,  
11 the applicant shall be certified or enrolled as an  
12 engineer-in-training if he is otherwise qualified.

13 (ii) Graduation — experience — examination. A  
14 graduate of an engineering or related science curriculum of  
15 four (4) years or more, other than the ones approved by the  
16 board as being satisfactory standing, and with a specific  
17 record of four (4) or more years of progressive experience  
18 on engineering projects of a grade and character,  
19 satisfactory to the board, shall be admitted to an  
20 eight-hour written examination in the fundamentals of  
21 engineering. Upon passing such examination, the applicant  
22 shall be certified or enrolled as an engineer-in-training,  
23 if he is otherwise qualified.

24 (2) Land surveying. To be eligible for admission to  
25 examination for land surveyor or land surveyor-in-training,

1 an applicant must be of good character and reputation and  
2 shall submit five (5) references with his application for  
3 registration as a land surveyor, three (3) of which  
4 references shall be registered land surveyors having  
5 personal knowledge of his land surveying experience; or in  
6 the case of an application for certification as a land  
7 surveyor-in-training, by three (3) references, one of whom  
8 shall be a registered land surveyor having personal  
9 knowledge of the applicant's land surveying experience.

10 The evaluation of a land surveyor applicant's  
11 qualifications involves a consideration of his education,  
12 technical, and land surveying experience, exhibits of land  
13 surveying projects of which he has been in charge,  
14 recommendations by references, and a reviewing of these  
15 categories. An interview may be held at the board's  
16 discretion. Educational credit for institute courses,  
17 correspondence courses, etc., shall be determined by the  
18 board.

19 One of the following shall be considered as minimum  
20 evidence to the board that the applicant is qualified for  
21 registration as a land surveyor, or for certification as a  
22 land surveyor-in-training, respectively.

23 (a) As a land surveyor:

24 (i) Graduation — experience — examination. Have a  
25 bachelor of science degree in an approved curriculum and

1 present evidence satisfactory to the board that, in addition  
2 thereto, he has had at least four (4) years of combined  
3 office and field experience in land surveying with a minimum  
4 of three (3) years of experience in charge of land surveying  
5 projects under the supervision of a registered land surveyor  
6 and who has passed the examinations as required by the  
7 board.

8 (ii) Formal education — experience — examination.

9 Two (2) years of formal education in an approved curriculum  
10 above high school level with at least ninety (90) quarter  
11 credit hours passed, or equivalent semester hours, or the  
12 equivalent approved by the board, and present evidence  
13 satisfactory to the board that in addition thereto, he has  
14 had at least six (6) years of combined office and field  
15 experience in land surveying with a minimum of four (4)  
16 years of experience in charge of land surveying projects  
17 under the supervision of a registered land surveyor and who  
18 has passed the examinations as required by the board.

19 (iii) Registration by comity or endorsement. A person  
20 holding a certificate of registration to engage in the  
21 practice of land surveying issued or comparable  
22 qualifications from a state, territory, or possession of the  
23 United States, will be given comity consideration. However,  
24 he may be asked to take such examinations as the board deems  
25 necessary to determine his qualifications, but in any event,

1 he shall be required to pass a written examination of not  
2 less than eight-hours duration, which shall include  
3 questions on laws, procedures, and practices pertaining to  
4 the practice of land surveying in this state.

5 (iv) Temporary qualifications. A specific record of  
6 six (6) years or more experience in land surveying work of a  
7 character satisfactory to the board and indicating that the  
8 applicant is competent to practice land surveying, and  
9 successfully passing a written, or written and oral  
10 examination in land surveying prescribed by the board. This  
11 requirement will automatically expire two (2) years from the  
12 effective date of this act.

13 (b) As a land surveyor-in-training:

14 (i) Graduation — experience — examination. Have a  
15 bachelor of science degree in an approved curriculum and  
16 present evidence satisfactory to the board that he has had,  
17 in addition thereto, at least two (2) years of combined  
18 office and field experience in land surveying with a minimum  
19 of one (1) year in charge of land surveying projects under  
20 the supervision of a land surveyor, and who has passed the  
21 written examinations required by the board.

22 (ii) Formal education — experience — examination.  
23 Have at least two (2) years of formal education in an  
24 approved curriculum above high school level with at least  
25 ninety (90) quarter credit hours passed, or equivalent

1 semester hours or the equivalent approved by the board, and  
 2 present evidence satisfactory to the board that in addition  
 3 thereto, he has had at least four (4) years of combined  
 4 office and field experience in land surveying with a minimum  
 5 of two (2) years in charge of land surveying projects under  
 6 the supervision of a land surveyor, and who has passed the  
 7 written examinations required by the board.

8 Section 6. Section 66-2337 is renumbered 66-2358.

9 Section 7. There is a new R.C.M. section numbered  
 10 66-2359 that reads as follows:

11 66-2359. Examinations. Examination requirements are  
 12 as follows:

13 (1) The examinations shall be held at times and places  
 14 as the board directs. The board shall determine the  
 15 acceptable grade on examinations.

16 (2) Written examinations may be taken only after the  
 17 applicant has met the other minimum requirements as given in  
 18 section 66-2357 and has been approved by the board for  
 19 admission to the examinations as follows:

20 (a) Engineering fundamentals. Consists of an  
 21 eight-hour examination on the fundamentals of engineering.  
 22 Passing the examination qualifies the examinee for an  
 23 engineer-in-training certificate, provided he has met all  
 24 other requirements for certification required by this act.

25 (b) Principles — practice of engineering. Consists

1 of an eight-hour examination on applied engineering.  
 2 Passing this examination qualifies the examinee for  
 3 registration as a professional engineer, provided he has met  
 4 the other requirements for registration required by this  
 5 act.

6 (c) Land surveyor-in-training. Consists of two (2)  
 7 four-hour examinations designated as parts I and II, on the  
 8 basic disciplines of land surveying. Passing these  
 9 examinations qualifies the examinee for a land  
 10 surveyor-in-training certificate, provided he has met all  
 11 other requirements for certificates required by this act.

12 (d) Land surveyor. Consists of being a land  
 13 surveyor-in-training and of two (2) four-hour examinations  
 14 designated as parts III and IV, on the applied disciplines  
 15 of land surveying. Passing these examinations qualifies the  
 16 examinee for registration as a land surveyor, provided he  
 17 has met the other requirements for registration required by  
 18 this act.

19 (3) A candidate failing one examination may apply for  
 20 reexamination, which may be granted upon payment of a fee  
 21 established by the board. Before readmission to the  
 22 examination in the event of a second failure, the examinee  
 23 must appear before the board with evidence of having  
 24 acquired the necessary additional knowledge to qualify.

25 Section 8. There is a new R.C.M. section numbered



1 66-2360 that reads as follows:

2 66-2360. Certificates of registration—~~SEAL~~. (1) The  
3 department shall issue to any applicant, who, in the opinion  
4 of the board, has met the requirements of this act, a  
5 certificate of registration giving the registrant proper  
6 authority to practice his profession and to assume  
7 responsible charge of engineering or land surveying projects  
8 in this state. The certificate of registration for a  
9 professional engineer shall carry the designation  
10 "professional engineer", and for a land surveyor, "land  
11 surveyor". It shall give the full name of the registrant  
12 with his serial number and shall be signed by the chairman  
13 and the secretary under the seal of the board.

14 (2) This certificate shall be prima facie evidence  
15 that the person named thereon is entitled to all rights,  
16 privileges, and responsibilities of a professional engineer  
17 or land surveyor, while the said certificate of registration  
18 remains unrevoked or unexpired.

19 (3) Each registrant hereunder may, upon registration,  
20 obtain a seal of a design authorized by the board, bearing  
21 the registrant's name, serial number, and the legend,  
22 "professional engineer" and/or "land surveyor". Plans,  
23 specifications, plats, and reports prepared by a registrant  
24 shall, when issued, be certified, signed, and stamped with  
25 the said seal or facsimile thereof. It shall be unlawful

1 for a registrant to affix or permit his seal and signature  
2 or facsimile thereof to be affixed to any plans,  
3 specifications, plats, or reports after the expiration of a  
4 certificate or for the purpose of aiding or abetting any  
5 other person to evade or attempt to evade any provision of  
6 this act.

7 (4) The department shall issue to any applicant, who,  
8 in the opinion of the board, has met the requirements of  
9 this act, an enrollment card as engineer-in-training or land  
10 surveyor-in-training, which indicates that his name has been  
11 recorded as such in the board office. The  
12 engineer-in-training or land surveyor-in-training enrollment  
13 card does not authorize the holder to practice as a  
14 professional engineer or land surveyor.

15 Section 9. Section 66-2340 is renumbered 66-2361, ~~and~~  
16 ~~section 66-2341 is renumbered 66-2362.~~

17 SECTION 10. SECTION 66-2341, R.C.M. 1947, IS  
18 RENUMBERED 66-2362, AND IS AMENDED TO READ AS FOLLOWS:

19 "~~66-2344~~ 66-2362. Persons presently registered as  
20 civil professional engineer and/or land surveyor. No person  
21 who heretofore has been duly registered as a civil  
22 professional engineer and/or land surveyor under the laws of  
23 Montana and whose registration has not been revoked shall be  
24 required to register again under this act, and his former  
25 registration shall be fully recognized under the provisions

1 of this act. All certificates including those for  
2 engineer-in-training heretofore issued and not revoked shall  
3 have the same force and effect as if they had been issued  
4 under the provisions of this act, and shall be subject to  
5 the same rules, terms and conditions as are the certificates  
6 provided for in this act.\*

7 Section 11. There is a new R.C.M. section numbered  
8 66-2363 that reads as follows:

9 66-2363. Public works. This state and its political  
10 subdivisions such as counties, cities, towns, townships,  
11 boroughs, or other political entities or legally constituted  
12 boards, commissions, or authorities, or officials or  
13 employees thereof shall not engage in the practice of  
14 engineering or land surveying involving either public or  
15 private property without the project being under the direct  
16 charge and supervision of a professional engineer for  
17 engineering projects, or land surveyor for all land  
18 surveying projects, as provided for the practice of the  
19 respective professions by this act.

20 This state and its political subdivisions such as  
21 counties, cities, towns, townships, boroughs, or other  
22 political entities or legally constituted boards,  
23 commissions, or authorities, or officials or employees  
24 thereof shall not accept plans and specifications for  
25 ~~facilities which will have public access or use~~ PUBLIC

1 BUILDINGS, WATER SYSTEMS AND STORAGE FACILITIES, SEWERAGE  
2 SYSTEMS, WASTE WATER DISPOSAL PROJECTS, SWIMMING POOLS,  
3 RECREATIONAL FACILITIES, AND SIMILAR TYPE PROJECTS WHICH MAY  
4 HAVE A DIRECT BEARING ON THE PUBLIC HEALTH AND SAFETY for  
5 approval unless they bear the seal of the professional  
6 engineer for engineering projects or the land surveyor for  
7 land surveying projects, as provided for the practice of the  
8 respective professions by this act.

9 Section 12. Section 66-2344 is renumbered 66-2364.

10 Section 13. There is a new R.C.M. section numbered  
11 66-2365 that reads as follows:

12 66-2365. Revocation of registration — hearings —  
13 reissuance of certificate. (1) The board may revoke,  
14 reprimand, suspend, or refuse to renew the certificate of a  
15 registrant found guilty of:

16 (a) Fraud or deceit in obtaining a certificate of  
17 registration.

18 (b) Gross negligence, incompetency, or misconduct in  
19 the practice of engineering or land surveying as a  
20 registered professional engineer or land surveyor.

21 (c) A felony.

22 (d) Violation of rules for professional conduct for  
23 professional engineers and land surveyors adopted by the  
24 board.

25 (e) If a land surveyor, failure to comply with the

1 corner recordation act.

2 (2) Any person may make charges of fraud, deceit,  
3 gross negligence, incompetency, or misconduct against a  
4 registrant. The charges shall be made by affidavit, and  
5 subscribed and sworn to by the person making them, and filed  
6 with the department. Charges, unless dismissed by the board  
7 as unfounded or trivial, shall be heard by the board within  
8 three (3) months after the date on which they were made.

9 (3) The board may require a registrant to take a  
10 written or oral examination, or both, in a proceeding to  
11 revoke, reprimand, suspend, or refuse to renew.

12 (4) If, after hearing, four (4) or more members of the  
13 board vote in favor of sustaining the charges, the board  
14 shall reprimand, suspend, refuse to renew, or revoke the  
15 certificate of registration of the registered professional  
16 engineer or land surveyor.

17 The board, for reasons it considers sufficient, may  
18 reissue a certificate of registration to a person whose  
19 certificate has been revoked if four (4) or more members of  
20 the board vote in favor of the reissuance. A new  
21 certificate of registration, to replace a certificate  
22 revoked, lost, destroyed, or mutilated, may be issued by the  
23 department, subject to the rules of the board.

24 Section 14. Section 66-2346 is renumbered 66-2366.

25 Section 15. There is a new R.C.M. section numbered

1 66-2367 that reads as follows:

2 66-2367. Exemption clause. The following are exempt  
3 from coverage under this act:

4 (1) The practice of any other legally recognized  
5 professions or trades.

6 (2) The mere execution of work by a contractor, as  
7 distinguished from its planning or design or the supervision  
8 of the construction of work as a foreman or superintendent  
9 OR INSPECTION OF CONSTRUCTION WORK BY A FIELD MANAGER OF AN  
10 ENGINEERING FIRM OR AGENCY.

11 (3) EMPLOYEES AND SUBORDINATES. THE WORK OF AN  
12 EMPLOYER OR A SUBORDINATE OF A PERSON HOLDING A CERTIFICATE  
13 OF REGISTRATION UNDER THIS ACT, OR AN EMPLOYEE OF A PERSON  
14 PRACTICING LAWFULLY UNDER THIS ACT; PROVIDED SUCH WORK DOES  
15 NOT INCLUDE FINAL ENGINEERING OR LAND SURVEYING DESIGNS OR  
16 DECISIONS AND IS DONE UNDER THE DIRECT SUPERVISION OF A  
17 PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT  
18 OR A PERSON PRACTICING LAWFULLY UNDER THIS ACT.

19 (4) THE PRACTICE OF PROFESSIONAL ENGINEERING BY  
20 LICENSED ARCHITECTS WHERE THE PRACTICE IS PURELY INCIDENTAL  
21 TO THEIR PRACTICE OF ARCHITECTURE.

22 (5) THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND  
23 SURVEYING IN THIS STATE BY A FIRM, CO-PARTNERSHIP,  
24 CORPORATION, OR JOINT STOCK ASSOCIATION OR BY ITS MEMBERS,  
25 OFFICERS, OR EMPLOYEES ON ITS BEHALF, IF EACH PERSON

PERSONALLY SUPERVISING AND IN DIRECT CHARGE OF ALL  
 ACTIVITIES OF THE FIRM, CO-PARTNERSHIP, CORPORATION, OR  
 JOINT STOCK ASSOCIATION WHICH CONSTITUTES THE PRACTICE, IS A  
 PROFESSIONAL ENGINEER OR LAND SURVEYOR HOLDING A CERTIFICATE  
 OF REGISTRATION UNDER THIS ACT.

Section 16. There is a new R.C.M. section numbered  
 66-2368 that reads as follows:

66-2368. Issuance of temporary permits. Temporary  
 permits are governed by the following:

(1) Professional engineer. The practice or offer to  
 practice engineering by a person not a resident of or having  
 no established place of business in this state, provided  
 such person is legally qualified by registration to practice  
 engineering in his own state or country, provided the  
 requirements for registration in his home state or country  
 are not less than those defined in this act. Such person  
 shall make application to the board in writing. The  
 application must be accompanied by a fee set by the board.  
 Upon approval by the board, they may be granted a written  
 permit for a definite period of time not to exceed one (1)  
 year to do a specific job, provided, however, no right to  
 practice engineering shall accrue to such applicant with  
 respect to any other works not set forth in said permit.

(2) Land surveyor. The practice of land surveying  
 under a temporary permit by a person registered as a land

surveyor in another state is not considered to be in the  
 best interests of the public and, therefore, shall not be  
 granted.

~~(3) Employees and subordinates. The work of an  
 employee or a subordinate of a person holding a certificate  
 of registration under this act, or an employee of a person  
 practicing lawfully under subsection (1) of this section,  
 provided such work does not include final engineering or  
 land surveying designs or decisions and is done under the  
 direct supervision of a person holding a certificate of  
 registration under this act or a person practicing lawfully  
 under subsection (1) of this section.~~

~~(4) The practice of professional engineering by  
 licensed architects where the practice is purely incidental  
 to their practice of architecture.~~

~~(5) The practice of professional engineering or land  
 surveying in this state by a firm, copartnership,  
 corporation, or joint stock association or by its members,  
 officers, or employees on its behalf, if each person  
 personally supervising and in direct charge of all  
 activities of the firm, copartnership, corporation, or joint  
 stock association which constitutes the practice, is a  
 professional engineer or land surveyor holding a certificate  
 of registration under this act.~~

Section 17. There is a new R.C.M. section numbered

1 66-2369 that reads as follows:

2 66-2369. ~~Construction~~ INTERPRETATION of practical  
 3 PRACTICE OF engineering and practice OF land surveying. (1)  
 4 A person shall be construed to practice or offer to practice  
 5 engineering, within the meaning and intent of this act, who  
 6 practices any branch of the profession of engineering; or  
 7 who, by verbal claim, sign, advertisement, letterhead, card,  
 8 or in any other way represents himself to be a professional  
 9 engineer, or through the use of some other title implies  
 10 that he is a professional engineer or that he is registered  
 11 under this act; or who holds himself out as able to perform,  
 12 or who does perform any engineering service or work or any  
 13 other service designated by the practitioner which is  
 14 recognized as engineering.

15 (2) Any person shall be construed to practice or offer  
 16 to practice land surveying within the meaning and intent of  
 17 this act, who engages in land surveying or who by verbal  
 18 claim, sign, letterhead, card, or in any other way  
 19 represents himself to be a land surveyor, or through the use  
 20 of some other title implies that he is a land surveyor, or  
 21 who represents himself as able to perform, or who does  
 22 perform any land surveying service or work, or any other  
 23 service designated by the practitioner which is recognized  
 24 as land surveying.

25 Section 1B. Repealer. Sections 66-2326, 66-2336,

1 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347,  
 2 R.C.M. 1947, are repealed.

-End-

HOUSE OF REPRESENTATIVES

Date: March 8, 1975

HOUSE COMMITTEE ON STATE ADMINISTRATION AMENDMENT TO SENATE BILL 334

1. Amend page 20, section 11, line 7.

Following: "projects,"

Insert: "or licensed architect for architectural projects,"

AS SO AMENDED

BE CONCURRED IN

HOUSE OF REPRESENTATIVES

Date: March 10, 1975

HOUSE COMMITTEE OF THE WHOLE AMENDMENT TO SENATE BILL 334, Third Reading

1. Amend page 22, section 15(2), lines 8, 9, and 10.

Following: "superintendent"

Insert: "."

Strike: lines 9 and 10 in their entirety

1 SENATE BILL NO. 334

2 INTRODUCED BY DUNKLE, HEALY

3 (BY REQUEST OF DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL  
4 LICENSING)

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
7 UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND  
8 SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947;  
9 RENUMBERING SECTIONS 66-2324, 66-2329, 66-2331, 66-2332,  
10 66-2333, 66-2334, 66-2335, 66-2337, 66-2340, 66-2344,  
11 66-2346, R.C.M. 1947; AND REPEALING SECTIONS 66-2326,  
12 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, AND  
13 66-2347, R.C.M. 1947."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 82A-1602.11, R.C.M. 1947, is  
17 amended to read as follows:

18 "82A-1602.11. Board of professional engineers and land  
19 surveyors -- appointment -- qualifications -- removal --  
20 term. (1) There is a board of professional engineers and  
21 land surveyors.

22 (2) The board consists of seven (7) members appointed  
23 by the governor. The members are:

24 (a) Five (5) professional engineers who have been  
25 engaged in the practice of engineering for at least twelve

1 (12) years, and who have been in responsible charge of  
2 engineering teaching or important engineering work for at  
3 least five (5) years, ~~or responsible charge of engineering~~  
4 teaching and registered in Montana for at least five (5)  
5 years. No more than two (2) of these members may be from  
6 the same branch of engineering.

7 (b) Two (2) registered and practicing land surveyors  
8 who have been engaged in the practice of land surveying for  
9 at least twelve (12) years, and who have been in responsible  
10 charge of land surveying or important land surveying work  
11 for at least five (5) years, and registered in Montana for  
12 at least five (5) years.

13 (3) Each member shall be a citizen of the United  
14 States, and a resident of this state. ~~Each newly appointed~~  
15 ~~member shall have qualifications similar to the member whose~~  
16 ~~term has expired.~~ A member ~~may not serve more than,~~ after  
17 serving two (2) consecutive terms shall not be reappointed  
18 for a period of two (2) years.

19 (4) Each member shall serve for a term of five (5)  
20 years. The governor may remove a member for misconduct,  
21 incompetency, neglect of duty, or for any other sufficient  
22 cause."

23 Section 2. There is a new R.C.M. section numbered  
24 66-2350 that reads as follows:

25 66-2350. Definitions. As used in this act:



1 (1) "Professional engineer" means a person who, by  
 2 reason of his special knowledge and use of the mathematical,  
 3 physical, and engineering sciences, and the principles and  
 4 methods of engineering analysis and design, acquired by  
 5 engineering education and engineering experience, is  
 6 qualified to practice engineering, and who has been duly  
 7 registered and licensed as a professional engineer by the  
 8 board.

9 (2) "Engineer-in-training" means a person who complies  
 10 with the requirements for education, experience, and  
 11 character, and has passed an examination in the fundamental  
 12 engineering subjects, as provided in this act.

13 (3) ~~"Practice of engineering" means any service or~~  
 14 ~~creative work, as consultation, investigation, evaluation,~~  
 15 ~~and planning and design of engineering works requiring~~  
 16 ~~knowledge of the mathematical, physical, and engineering~~  
 17 ~~sciences. This service or work, either public or private,~~  
 18 ~~includes: (a) engineering performed in connection with~~  
 19 ~~city, county, regional, and state planning and planning for~~  
 20 ~~land and water use; (b) teaching of engineering subjects;~~  
 21 ~~(c) engineering surveys and inspection of construction for~~  
 22 ~~the purpose of assuring compliance with drawings and~~  
 23 ~~specifications; (d) design of work systems, projects,~~  
 24 ~~utilities, structures, buildings, machines, equipment~~  
 25 ~~processes, and industrial or consumer products or equipment~~

1 ~~of a mechanical, electrical, hydraulic, pneumatic, or~~  
 2 ~~thermal nature, and including other professional services~~  
 3 ~~necessary to the planning, progress, and completion of any~~  
 4 ~~engineering services.~~

5 "PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE  
 6 WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING  
 7 EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF  
 8 SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND  
 9 ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS  
 10 CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN  
 11 OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF LAND  
 12 AND WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS,  
 13 ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR  
 14 THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND  
 15 SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK,  
 16 EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES,  
 17 STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK  
 18 SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR  
 19 EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR  
 20 THERMAL NATURE, INsofar AS THEY INVOLVE SAFEGUARDING LIFE,  
 21 HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL  
 22 SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND  
 23 COMPLETION OF ANY ENGINEERING SERVICES.

24 A PERSON SHALL BE CONSTRUED TO PRACTICE OR OFFER TO  
 25 PRACTICE ENGINEERING, WITHIN THE MEANING AND INTENT OF THIS

1 ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF  
 2 ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT,  
 3 LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO  
 4 BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER  
 5 TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT  
 6 HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS  
 7 ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE  
 8 OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER  
 9 WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT  
 10 INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE  
 11 OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES,  
 12 SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

13 (4) "Land surveyor" means a person who (a) has been  
 14 duly registered and licensed as a land surveyor by the board  
 15 and (b) is a professional specialist in the technique of  
 16 measuring land, educated in the basic principles of  
 17 mathematics, related physical and applied sciences, and  
 18 relevant requirements of law for adequate evidence and all  
 19 requisite to the surveying of real property and engaged in  
 20 the practice of land surveying as herein defined.

21 (5) "Land surveyor-in-training" means a person who has  
 22 qualified for, taken, and passed an examination on the basic  
 23 disciplines of land surveying as provided in this act.

24 (6) "Practice of land surveying" means any service or  
 25 work, the adequate performance of which requires the

1 application of knowledge of the principles of mathematics,  
 2 physical sciences, applied sciences and

3 (a) the principles of property boundary law to the  
 4 recovery and preservation of evidence pertaining to earlier  
 5 land surveys;

6 (b) teaching of land surveying subjects;

7 (c) measurement and allocation of lines, angles, and  
 8 elevations;

9 (d) location of natural and man-made features in the  
 10 air, on the surface of the earth, within underground  
 11 workings, and on the beds of bodies of water, including such  
 12 work for the determination of areas and volumes;

13 (e) monumenting of property boundaries;

14 (f) platting and layout of lands and the subdivisions  
 15 thereof, including the alignment and grades of streets and  
 16 roads therein; and

17 (g) preparation and perpetuation of maps, plats, field  
 18 note records, and property descriptions.

19 (7) "Board" means the board of professional engineers  
 20 and land surveyors.

21 (8) "Department" means the department of professional  
 22 and occupational licensing.

23 (9) "Responsible charge" means direct control and  
 24 personal supervision, either of engineering work or of land  
 25 surveying, as the case may be. Only professional engineers

1 or land surveyors may legally assume responsible charge  
2 under this act.

3 Section 3. Section 66-2324 IS RENUMBERED 66-2349,  
4 SECTION 66-2329 is renumbered 66-2351, section 66-2331 is  
5 renumbered 66-2352, section 66-2332 is renumbered 66-2353,  
6 section 66-2333 is renumbered 66-2354, and section 66-2334  
7 is renumbered 66-2355.

8 Section 4. Section 66-2335, R.C.M. 1947, is  
9 renumbered 66-2356, and is amended to read as follows:

10 "~~66-2335~~ 66-2356. Roster. A roster showing the names  
11 and places-of-business addresses of registered professional  
12 engineers and registered land surveyors shall be published  
13 by the department during the month of April each year.  
14 Copies of this roster shall be mailed to each person  
15 registered, placed on file with the secretary of state, the  
16 clerk of each incorporated city and town and in the office  
17 of each county clerk and recorder within the state, and  
18 furnished to the public on request."

19 Section 5. There is a new R.C.M. section numbered  
20 66-2357 that reads as follows:

21 66-2357. Requirements for registration. The  
22 requirements for engineering and land surveying registration  
23 are:

24 (1) Engineering. To be eligible for admission to  
25 examination for professional engineer or

1 engineer-in-training, an applicant must be of good character  
2 and reputation and submit five (5) references with his  
3 application for registration as a professional engineer,  
4 three (3) references shall be professional engineers with  
5 personal knowledge of his engineering experience, or in the  
6 case of an application for certification as an  
7 engineer-in-training, by three (3) character references.

8 The following is considered minimum evidence  
9 satisfactory to the board that the applicant is qualified  
10 for registration as a professional engineer, or for  
11 certification as an engineer-in-training respectively.

12 (a) As a professional engineer:

13 (i) Registration by endorsement. A person holding a  
14 certificate of registration to engage in the practice of  
15 engineering, issued to him by a proper authority of a state,  
16 territory, or possession of the United States, the District  
17 of Columbia, or any foreign country, based on requirements  
18 that do not conflict with the provision of the act and were  
19 of a standard not lower than that specified in the  
20 applicable registration act in effect in this state at the  
21 time the certificate was issued, may, upon application, be  
22 registered without further examination.

23 A person holding a certificate of qualification issued  
24 by the committee on national engineering certification of  
25 the national council of engineering examiners, whose

1 qualifications meet the requirements of this act, may upon  
2 application, be registered without further examination.

3 (ii) Engineering -- graduation -- experience --  
4 examination. A graduate of an engineering curriculum of  
5 four (4) years or more approved by the board as being of  
6 satisfactory standing, and with a specific record of an  
7 additional four (4) years or more of progressive experience  
8 on engineering projects of a grade and character which  
9 indicates to the board that the applicant may be competent  
10 to practice engineering, shall be admitted to an eight-hour  
11 written examination in the fundamentals of engineering, and  
12 an eight-hour written examination in the principles and  
13 practices of engineering. Upon passing such examinations,  
14 the applicant shall be granted a certificate of registration  
15 to practice engineering in this state, provided he is  
16 otherwise qualified.

17 (iii) Engineering-related graduation -- experience --  
18 examination. A graduate of an engineering or related  
19 science curriculum of four (4) years or more, other than the  
20 ones approved by the board as being of satisfactory standing  
21 and with a specific record of eight (8) years or more of  
22 progressive experience on engineering projects of a grade  
23 and character which indicates to the board that the  
24 applicant may be competent to practice engineering, may be  
25 admitted to an eight-hour written examination in the

1 fundamentals of engineering, and an eight-hour written  
2 examination in the principles and practices of engineering.  
3 Upon passing such examinations, the applicant shall be  
4 granted a certificate of registration to practice  
5 engineering in this state, provided he is otherwise  
6 qualified.

7 (iv) Long established practice. A graduate of an  
8 engineering or related science curriculum of four (4) years  
9 or more, with a specific record of twenty (20) years or more  
10 of progressive experience on engineering projects of which  
11 at least ten (10) years have been in charge of important  
12 engineering projects, and of a grade and character which  
13 indicates to the board that the applicant may be competent  
14 to practice engineering, shall be admitted to an eight-hour  
15 written examination in the principles and practices of  
16 engineering. Upon passing such examination, the applicant  
17 shall be granted a certificate of registration to practice  
18 engineering in this state, provided he is otherwise  
19 qualified.

20 (v) Temporary qualifications. A specific record of  
21 eight (8) years or more experience in engineering work of a  
22 character satisfactory to the board, and successfully  
23 passing a written or written and oral examination designated  
24 to show that the applicant is competent to practice  
25 engineering. This requirement will automatically expire

1 four (4) years from the effective date of this act.

2 (vi) Engineering teaching in a college or university  
3 offering an approved engineering curriculum of four (4)  
4 years or more, may be considered as engineering experience  
5 in these requirements provided research, product  
6 development, or consulting has been a concurrent activity.

7 (b) As an engineer-in-training. The following shall  
8 be considered as minimum evidence that the applicant is  
9 qualified for certification as an engineer-in-training:

10 (i) Graduation and examination. A graduate of an  
11 engineering curriculum of four (4) years or more, approved  
12 by the board as being of satisfactory standing, shall be  
13 admitted to an eight-hour written examination in the  
14 fundamentals of engineering. Upon passing such examination,  
15 the applicant shall be certified or enrolled as an  
16 engineer-in-training if he is otherwise qualified.

17 (ii) Graduation -- experience -- examination. A  
18 graduate of an engineering or related science curriculum of  
19 four (4) years or more, other than the ones approved by the  
20 board as being satisfactory standing, and with a specific  
21 record of four (4) or more years of progressive experience  
22 on engineering projects of a grade and character,  
23 satisfactory to the board, shall be admitted to an  
24 eight-hour written examination in the fundamentals of  
25 engineering. Upon passing such examination, the applicant

1 shall be certified or enrolled as an engineer-in-training,  
2 if he is otherwise qualified.

3 (2) Land surveying. To be eligible for admission to  
4 examination for land surveyor or land surveyor-in-training,  
5 an applicant must be of good character and reputation and  
6 shall submit five (5) references with his application for  
7 registration as a land surveyor, three (3) of which  
8 references shall be registered land surveyors having  
9 personal knowledge of his land surveying experience; or in  
10 the case of an application for certification as a land  
11 surveyor-in-training, by three (3) references, one of whom  
12 shall be a registered land surveyor having personal  
13 knowledge of the applicant's land surveying experience.

14 The evaluation of a land surveyor applicant's  
15 qualifications involves a consideration of his education,  
16 technical, and land surveying experience, exhibits of land  
17 surveying projects of which he has been in charge,  
18 recommendations by references, and a reviewing of these  
19 categories. An interview may be held at the board's  
20 discretion. Educational credit for institute courses,  
21 correspondence courses, etc., shall be determined by the  
22 board.

23 One of the following shall be considered as minimum  
24 evidence to the board that the applicant is qualified for  
25 registration as a land surveyor, or for certification as a

1 land surveyor-in-training, respectively:

2 (a) As a land surveyor:

3 (i) Graduation -- experience -- examination. Have a  
4 bachelor of science degree in an approved curriculum and  
5 present evidence satisfactory to the board that, in addition  
6 thereto, he has had at least four (4) years of combined  
7 office and field experience in land surveying with a minimum  
8 of three (3) years of experience in charge of land surveying  
9 projects under the supervision of a registered land surveyor  
10 and who has passed the examinations as required by the  
11 board.

12 (ii) Formal education -- experience -- examination.  
13 Two (2) years of formal education in an approved curriculum  
14 above high school level with at least ninety (90) quarter  
15 credit hours passed, or equivalent semester hours, or the  
16 equivalent approved by the board, and present evidence  
17 satisfactory to the board that in addition thereto, he has  
18 had at least six (6) years of combined office and field  
19 experience in land surveying with a minimum of four (4)  
20 years of experience in charge of land surveying projects  
21 under the supervision of a registered land surveyor and who  
22 has passed the examinations as required by the board.

23 (iii) Registration by comity or endorsement. A person  
24 holding a certificate of registration to engage in the  
25 practice of land surveying issued or comparable

1 qualifications from a state, territory, or possession of the  
2 United States, will be given comity consideration. However,  
3 he may be asked to take such examinations as the board deems  
4 necessary to determine his qualifications, but in any event,  
5 he shall be required to pass a written examination of not  
6 less than eight-hours duration, which shall include  
7 questions on laws, procedures, and practices pertaining to  
8 the practice of land surveying in this state.

9 (iv) Temporary qualifications. A specific record of  
10 six (6) years or more experience in land surveying work of a  
11 character satisfactory to the board and indicating that the  
12 applicant is competent to practice land surveying, and  
13 successfully passing a written, or written and oral  
14 examination in land surveying prescribed by the board. This  
15 requirement will automatically expire two (2) years from the  
16 effective date of this act.

17 (b) As a land surveyor-in-training:

18 (i) Graduation -- experience -- examination. Have a  
19 bachelor of science degree in an approved curriculum and  
20 present evidence satisfactory to the board that he has had,  
21 in addition thereto, at least two (2) years of combined  
22 office and field experience in land surveying with a minimum  
23 of one (1) year in charge of land surveying projects under  
24 the supervision of a land surveyor, and who has passed the  
25 written examinations required by the board.

1 (ii) Formal education -- experience -- examination.  
 2 Have at least two (2) years of formal education in an  
 3 approved curriculum above high school level with at least  
 4 ninety (90) quarter credit hours passed, or equivalent  
 5 semester hours or the equivalent approved by the board, and  
 6 present evidence satisfactory to the board that in addition  
 7 thereto, he has had at least four (4) years of combined  
 8 office and field experience in land surveying with a minimum  
 9 of two (2) years in charge of land surveying projects under  
 10 the supervision of a land surveyor, and who has passed the  
 11 written examinations required by the board.

12 Section 6. Section 66-2337 is renumbered 66-2358.

13 Section 7. There is a new R.C.M. section numbered  
 14 66-2359 that reads as follows:

15 66-2359. Examinations. Examination requirements are  
 16 as follows:

17 (1) The examinations shall be held at times and places  
 18 as the board directs. The board shall determine the  
 19 acceptable grade on examinations.

20 (2) Written examinations may be taken only after the  
 21 applicant has met the other minimum requirements as given in  
 22 section 66-2357 and has been approved by the board for  
 23 admission to the examinations as follows:

24 (a) Engineering fundamentals. Consists of an  
 25 eight-hour examination on the fundamentals of engineering.

1 Passing the examination qualifies the examinee for an  
 2 engineer-in-training certificate, provided he has met all  
 3 other requirements for certification required by this act.

4 (b) Principles -- practice of engineering. Consists  
 5 of an eight-hour examination on applied engineering.  
 6 Passing this examination qualifies the examinee for  
 7 registration as a professional engineer, provided he has met  
 8 the other requirements for registration required by this  
 9 act.

10 (c) Land surveyor-in-training. Consists of two (2)  
 11 four-hour examinations designated as parts I and II, on the  
 12 basic disciplines of land surveying. Passing these  
 13 examinations qualifies the examinee for a land  
 14 surveyor-in-training certificate, provided he has met all  
 15 other requirements for certificates required by this act.

16 (d) Land surveyor. Consists of being a land  
 17 surveyor-in-training and of two (2) four-hour examinations  
 18 designated as parts III and IV, on the applied disciplines  
 19 of land surveying. Passing these examinations qualifies the  
 20 examinee for registration as a land surveyor, provided he  
 21 has met the other requirements for registration required by  
 22 this act.

23 (3) A candidate failing one examination may apply for  
 24 reexamination, which may be granted upon payment of a fee  
 25 established by the board. Before readmission to the

1 examination in the event of a second failure, the examinee  
2 must appear before the board with evidence of having  
3 acquired the necessary additional knowledge to qualify.

4 Section 8. There is a new R.C.M. section numbered  
5 66-2360 that reads as follows:

6 66-2360. Certificates of registration--SEAL. (1) The  
7 department shall issue to any applicant, who, in the opinion  
8 of the board, has met the requirements of this act, a  
9 certificate of registration giving the registrant proper  
10 authority to practice his profession and to assume  
11 responsible charge of engineering or land surveying projects  
12 in this state. The certificate of registration for a  
13 professional engineer shall carry the designation  
14 "professional engineer", and for a land surveyor, "land  
15 surveyor". It shall give the full name of the registrant  
16 with his serial number and shall be signed by the chairman  
17 and the secretary under the seal of the board.

18 (2) This certificate shall be prima facie evidence  
19 that the person named thereon is entitled to all rights,  
20 privileges, and responsibilities of a professional engineer  
21 or land surveyor, while the said certificate of registration  
22 remains unrevoked or unexpired.

23 (3) Each registrant hereunder may, upon registration,  
24 obtain a seal of a design authorized by the board, bearing  
25 the registrant's name, serial number, and the legend,

1 "professional engineer" and/or "land surveyor". Plans,  
2 specifications, plats, and reports prepared by a registrant  
3 shall, when issued, be certified, signed, and stamped with  
4 the said seal or facsimile thereof. It shall be unlawful  
5 for a registrant to affix or permit his seal and signature  
6 or facsimile thereof to be affixed to any plans,  
7 specifications, plats, or reports after the expiration of a  
8 certificate or for the purpose of aiding or abetting any  
9 other person to evade or attempt to evade any provision of  
10 this act.

11 (4) The department shall issue to any applicant, who,  
12 in the opinion of the board, has met the requirements of  
13 this act, an enrollment card as engineer-in-training or land  
14 surveyor-in-training, which indicates that his name has been  
15 recorded as such in the board office. The  
16 engineer-in-training or land surveyor-in-training enrollment  
17 card does not authorize the holder to practice as a  
18 professional engineer or land surveyor.

19 Section 9. Section 66-2340 is renumbered 66-2361, ~~and~~  
20 ~~section-66-2341-is-renumbered-66-2362.~~

21 SECTION 10. SECTION 66-2341, R.C.M. 1947, IS  
22 RENUMBERED 66-2362, AND IS AMENDED TO READ AS FOLLOWS:

23 "~~66-2341~~ 66-2362. Persons presently registered as  
24 ~~civil~~ professional engineer and/or land surveyor. No person  
25 who heretofore has been duly registered as a ~~civil~~



1 professional engineer and/or land surveyor under the laws of  
 2 Montana and whose registration has not been revoked shall be  
 3 required to register again under this act, and his former  
 4 registration shall be fully recognized under the provisions  
 5 of this act. All certificates including those for  
 6 engineer-in-training heretofore issued and not revoked shall  
 7 have the same force and effect as if they had been issued  
 8 under the provisions of this act, and shall be subject to  
 9 the same rules, terms and conditions as are the certificates  
 10 provided for in this act."

11 Section 11. There is a new R.C.M. section numbered  
 12 66-2363 that reads as follows:

13 66-2363. Public works. This state and its political  
 14 subdivisions such as counties, cities, towns, townships,  
 15 boroughs, or other political entities or legally constituted  
 16 boards, commissions, or authorities, or officials or  
 17 employees thereof shall not engage in the practice of  
 18 engineering or land surveying involving either public or  
 19 private property without the project being under the direct  
 20 charge and supervision of a professional engineer for  
 21 engineering projects, or land surveyor for all land  
 22 surveying projects, as provided for the practice of the  
 23 respective professions by this act.

24 This state and its political subdivisions such as  
 25 counties, cities, towns, townships, boroughs, or other

1 political entities or legally constituted boards,  
 2 commissions, or authorities, or officials or employees  
 3 thereof shall not accept plans and specifications for  
 4 ~~facilities which will have public access or use~~ PUBLIC  
 5 BUILDINGS, WATER SYSTEMS AND STORAGE FACILITIES, SEWERAGE  
 6 SYSTEMS, WASTE WATER DISPOSAL PROJECTS, SWIMMING POOLS,  
 7 RECREATIONAL FACILITIES, AND SIMILAR TYPE PROJECTS WHICH MAY  
 8 HAVE A DIRECT BEARING ON THE PUBLIC HEALTH AND SAFETY for  
 9 approval unless they bear the seal of the professional  
 10 engineer for engineering projects or the land surveyor for  
 11 land surveying projects, OR LICENSED ARCHITECT FOR  
 12 ARCHITECTURAL PROJECTS, as provided for the practice of the  
 13 respective professions by this act.

14 Section 12. Section 66-2344 is renumbered 66-2364.

15 Section 13. There is a new R.C.M. section numbered  
 16 66-2365 that reads as follows:

17 66-2365. Revocation of registration -- hearings --  
 18 reissuance of certificate. (1) The board may revoke,  
 19 reprimand, suspend, or refuse to renew the certificate of a  
 20 registrant found guilty of:

21 (a) Fraud or deceit in obtaining a certificate of  
 22 registration.

23 (b) Gross negligence, incompetency, or misconduct in  
 24 the practice of engineering or land surveying as a  
 25 registered professional engineer or land surveyor.

1 (c) A felony.

2 (d) Violation of rules for professional conduct for  
3 professional engineers and land surveyors adopted by the  
4 board.

5 (e) If a land surveyor, failure to comply with the  
6 Corner Recordation Act.

7 (2) Any person may make charges of fraud, deceit,  
8 gross negligence, incompetency, or misconduct against a  
9 registrant. The charges shall be made by affidavit, and  
10 subscribed and sworn to by the person making them, and filed  
11 with the department. Charges, unless dismissed by the board  
12 as unfounded or trivial, shall be heard by the board within  
13 three (3) months after the date on which they were made.

14 (3) The board may require a registrant to take a  
15 written or oral examination, or both, in a proceeding to  
16 revoke, reprimand, suspend, or refuse to renew.

17 (4) If, after hearing, four (4) or more members of the  
18 board vote in favor of sustaining the charges, the board  
19 shall reprimand, suspend, refuse to renew, or revoke the  
20 certificate of registration of the registered professional  
21 engineer or land surveyor.

22 The board, for reasons it considers sufficient, may  
23 reissue a certificate of registration to a person whose  
24 certificate has been revoked if four (4) or more members of  
25 the board vote in favor of the reissuance. A new

1 certificate of registration, to replace a certificate  
2 revoked, lost, destroyed, or mutilated, may be issued by the  
3 department, subject to the rules of the board.

4 Section 14. Section 66-2346 is renumbered 66-2366.

5 Section 15. There is a new R.C.M. section numbered  
6 66-2367 that reads as follows:

7 66-2367. Exemption clause. The following are exempt  
8 from coverage under this act:

9 (1) The practice of any other legally recognized  
10 professions or trades.

11 (2) The mere execution of work by a contractor, as  
12 distinguished from its planning or design or the supervision  
13 of the construction of work as a foreman or superintendent,  
14 ~~OR--INSPECTION-OF-CONSTRUCTION-WORK-BY-A-FIELD-MANAGER-OF-AN~~  
15 ~~ENGINEERING-FIRM-OR-AGENCY.~~

16 (3) EMPLOYEES AND SUBORDINATES. THE WORK OF AN  
17 EMPLOYEE OR A SUBORDINATE OF A PERSON HOLDING A CERTIFICATE  
18 OF REGISTRATION UNDER THIS ACT, OR AN EMPLOYEE OF A PERSON  
19 PRACTICING LAWFULLY UNDER THIS ACT; PROVIDED SUCH WORK DOES  
20 NOT INCLUDE FINAL ENGINEERING OR LAND SURVEYING DESIGNS OR  
21 DECISIONS AND IS DONE UNDER THE DIRECT SUPERVISION OF A  
22 PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT  
23 OR A PERSON PRACTICING LAWFULLY UNDER THIS ACT.

24 (4) THE PRACTICE OF PROFESSIONAL ENGINEERING BY  
25 LICENSED ARCHITECTS WHERE THE PRACTICE IS PURELY INCIDENTAL

1 TO THEIR PRACTICE OF ARCHITECTURE.

2 (5) THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND  
 3 SURVEYING IN THIS STATE BY A FIRM, CO-PARTNERSHIP,  
 4 CORPORATION, OR JOINT STOCK ASSOCIATION OR BY ITS MEMBERS,  
 5 OFFICERS, OR EMPLOYEES ON ITS BEHALF, IF EACH PERSON  
 6 PERSONALLY SUPERVISING AND IN DIRECT CHARGE OF ALL  
 7 ACTIVITIES OF THE FIRM, COPARTNERSHIP, CORPORATION, OR  
 8 JOINT-STOCK ASSOCIATION WHICH CONSTITUTES THE PRACTICE, IS A  
 9 PROFESSIONAL ENGINEER OR LAND SURVEYOR HOLDING A CERTIFICATE  
 10 OF REGISTRATION UNDER THIS ACT.

11 Section 16. There is a new R.C.M. section numbered  
 12 66-2368 that reads as follows:

13 66-2368. Issuance of temporary permits. Temporary  
 14 permits are governed by the following:

15 (1) Professional engineer. The practice or offer to  
 16 practice engineering by a person not a resident of or having  
 17 no established place of business in this state, provided  
 18 such person is legally qualified by registration to practice  
 19 engineering in his own state or country, provided the  
 20 requirements for registration in his home state or country  
 21 are not less than those defined in this act. Such person  
 22 shall make application to the board in writing. The  
 23 application must be accompanied by a fee set by the board.  
 24 Upon approval by the board, they may be granted a written  
 25 permit for a definite period of time not to exceed one (1)

1 year to do a specific job, provided, however, no right to  
 2 practice engineering shall accrue to such applicant with  
 3 respect to any other works not set forth in said permit.

4 (2) Land surveyor. The practice of land surveying  
 5 under a temporary permit by a person registered as a land  
 6 surveyor in another state is not considered to be in the  
 7 best interests of the public and, therefore, shall not be  
 8 granted.

9 ~~(3) Employees and subordinates. The work of an~~  
 10 ~~employee or a subordinate of a person holding a certificate~~  
 11 ~~of registration under this act, or an employee of a person~~  
 12 ~~practicing lawfully under subsection (1) of this section,~~  
 13 ~~provided such work does not include final engineering or~~  
 14 ~~land surveying designs or decisions and is done under the~~  
 15 ~~direct supervision of a person holding a certificate of~~  
 16 ~~registration under this act or a person practicing lawfully~~  
 17 ~~under subsection (1) of this section.~~

18 ~~(4) The practice of professional engineering by~~  
 19 ~~licensed architects where the practice is purely incidental~~  
 20 ~~to their practice of architecture.~~

21 ~~(5) The practice of professional engineering or land~~  
 22 ~~surveying in this state by a firm, copartnership,~~  
 23 ~~corporation, or joint stock association or by its members,~~  
 24 ~~officers, or employees on its behalf, if each person~~  
 25 ~~personally supervising and in direct charge of all~~

1 ~~activities-of-the-firm,-copartnership,-corporation,-or-joint~~  
 2 ~~stock--association--which--constitutes--the--practice,-is-a~~  
 3 ~~professional-engineer-or-land-surveyor-holding-a-certificate~~  
 4 ~~of-registration-under-this-act.~~

5 Section 17. There is a new R.C.M. section numbered  
 6 66-2369 that reads as follows:

7 66-2369. ~~Construction~~ INTERPRETATION of ~~practical~~  
 8 PRACTICE OF engineering and practice OF land surveying. (1)

9 A person shall be construed to practice or offer to practice  
 10 engineering, within the meaning and intent of this act, who  
 11 practices any branch of the profession of engineering; or  
 12 who, by verbal claim, sign, advertisement, letterhead, card,  
 13 or in any other way represents himself to be a professional  
 14 engineer, or through the use of some other title implies  
 15 that he is a professional engineer or that he is registered  
 16 under this act; or who holds himself out as able to perform,  
 17 or who does perform any engineering service or work or any  
 18 other service designated by the practitioner which is  
 19 recognized as engineering.

20 (2) Any person shall be construed to practice or offer  
 21 to practice land surveying within the meaning and intent of  
 22 this act, who engages in land surveying or who by verbal  
 23 claim, sign, letterhead, card, or in any other way  
 24 represents himself to be a land surveyor, or through the use  
 25 of some other title implies that he is a land surveyor, or

1 who represents himself as able to perform, or who does  
 2 perform any land surveying service or work, or any other  
 3 service designated by the practitioner which is recognized  
 4 as land surveying.

5 Section 18. Repealer. Sections 66-2326, 66-2336,  
 6 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347,  
 7 R.C.M. 1947, are repealed.

-End-