

SENATE BILL NO. 323

INTRODUCED BY HAGER

BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS

IN THE SENATE

February 5, 1985	Introduced and referred to Committee on Natural Resources.
February 18, 1985	Committee recommend bill do pass as amended. Report adopted.
February 19, 1985	Bill printed and placed on members' desks.
February 20, 1985	Second reading, do pass as amended.
February 21, 1985	Correctly engrossed.
February 22, 1985	Third reading, passed. Ayes, 48; Noes, 1.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 29, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
April 1, 1985	Second reading, concurred in.  Third reading, concurred in.  Returned to Senate with amendments.

IN THE SENATE

April 1, 1985

Received from House.

April 4, 1985

Second reading, amendments  
concurrent in.

April 8, 1985

Third reading, amendments  
concurrent in.

Sent to enrolling.

Reported correctly enrolled.



1 Section 2. Section 37-67-101, MCA, is amended to read:  
 2 "37-67-101. Definitions. As used in this chapter, the  
 3 following definitions apply:

4 (1) "Board" means the board of professional engineers  
 5 and land surveyors provided for in 2-15-1873.

6 (2) "Department" means the department of commerce  
 7 provided for in Title 2, chapter 15, part 18.

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

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

24 (6) "Practice of engineering" means any service or  
 25 creative work the adequate performance of which requires

1 engineering education, training, and experience in the  
 2 application of special knowledge of the mathematical,  
 3 physical, and engineering sciences to such services or  
 4 creative work as consultation, investigation, evaluation,  
 5 planning and design of engineering works and systems,  
 6 planning the use of water, teaching of advanced engineering  
 7 subjects, engineering surveys, and the inspection of  
 8 construction for the purpose of assuring compliance with  
 9 drawings and specifications; any of which embraces such  
 10 services or work, either public or private, in connection  
 11 with any utilities, structures, buildings, machines,  
 12 equipment, processes, work systems, projects, and industrial  
 13 or consumer products or equipment of mechanical, electrical,  
 14 hydraulic, pneumatic, or thermal nature insofar as they  
 15 involve safeguarding life, health, or property and including  
 16 such other professional services as may be necessary to the  
 17 planning, progress, and completion of any engineering  
 18 services. The term does not include the work ordinarily  
 19 performed by persons who operate or maintain machinery or  
 20 equipment, communication lines, signal circuits, electric  
 21 powerlines, or pipelines.

22 (7) "Practice of land surveying" means any service or  
 23 work, the adequate performance of which requires the  
 24 application of knowledge of the principles of mathematics,  
 25 physical sciences, applied sciences, and:

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

4 (b) teaching of land surveying subjects;

5 (c) measurement and allocation of lines, angles, and  
6 elevations, and coordinate systems;

7 (d) location of natural and manmade features in the  
8 air, on the surface of the earth, within underground  
9 workings, and on the beds of bodies of water, including such  
10 work for the determination of areas and volumes;

11 (e) monumenting of property boundaries;

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

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

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

25 (9) "Responsible charge" means direct charge and

1 control and personal supervision either of engineering work  
2 or of land surveying, as the case may be. Only professional  
3 engineers or land surveyors may legally assume responsible  
4 charge under this chapter."

5 Section 3. Section 37-67-102, MCA, is amended to read:

6 "37-67-102. Representation as practitioner to be  
7 construed as practice. (1) A person shall be construed to  
8 practice or offer to practice engineering, within the  
9 meaning and intent of this chapter, who practices any branch  
10 of the profession of engineering or who by verbal claim,  
11 sign, advertisement, letterhead, card, or in any other way  
12 represents himself to be a professional engineer or through  
13 the use of some other title implies that he is a  
14 professional engineer or that he is registered under this  
15 chapter or who holds himself out as able to perform or who  
16 does perform any engineering service or work or any other  
17 service designated by the practitioner which is recognized  
18 as engineering.

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

1 to perform or who does perform any land surveying service or  
2 work or any other service designated by the practitioner  
3 which is recognized as land surveying."

4 Section 4. Section 37-67-103, MCA, is amended to read:  
5 "37-67-103. Exemptions. The following are exempt from  
6 coverage under this chapter:

7 (1) the practice of any other legally recognized  
8 professions or trades;

9 (2) the mere execution of work by a contractor, as  
10 distinguished from its planning or design or the supervision  
11 of the construction of work as a foreman or superintendent;

12 (3) the work of an employee or a subordinate of a  
13 person holding a certificate of registration under this  
14 chapter or an employee of a person practicing lawfully under  
15 this chapter, provided such work does not include final  
16 engineering or land surveying designs or decisions and is  
17 done under the direct supervision of a person holding a  
18 certificate of registration under this chapter or a person  
19 practicing lawfully under this chapter;

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, partnership, corporation,~~  
25 ~~or joint stock association or by its members, officers, or~~

1 ~~employees on its behalf, if each person personally~~  
2 ~~supervising and in direct charge of all activities of the~~  
3 ~~firm, partnership, corporation, or joint stock association~~  
4 ~~which constitutes the practice is a professional engineer or~~  
5 ~~land surveyor holding a certificate of registration under~~  
6 ~~this chapter."~~

7 NEW SECTION. Section 5. Practice by partnerships and  
8 corporations. (1) The practice of or offer to practice  
9 engineering or land surveying by registered professional  
10 engineers or registered professional land surveyors  
11 organized as a partnership or incorporated as a professional  
12 corporation under the provisions of the professional  
13 corporations law of this state or under the provisions of a  
14 similar law of any other state is permitted in this state if  
15 all the partners of the partnership or each officer and  
16 shareholder of the professional corporation are registered  
17 under or exempt from this chapter.

18 (2) The practice of or offer to practice engineering  
19 or land surveying by a partnership other than one provided  
20 for in subsection (1) or by a corporation, other than a  
21 professional corporation, is permitted in this state if:

22 (a) all officers, employees, and agents of a  
23 partnership or corporation who will perform the practice of  
24 engineering or land surveying within this state for the  
25 partnership or corporation are registered under this

1 chapter;

2 (b) each person in responsible charge of the  
3 activities of a partnership or corporation, which activities  
4 constitute the practice of engineering or land surveying, is  
5 a professional engineer or professional land surveyor  
6 registered in this state or a person authorized to practice  
7 engineering or land surveying as provided in this chapter;

8 (c) the partnership or corporation has been issued a  
9 certificate of authorization by the board as provided in  
10 subsection (3);

11 (d) the partnership or corporation is jointly and  
12 severally responsible with and for the conduct or acts of  
13 its agents, employees, or officers concerning any  
14 professional engineering or land surveying services  
15 performed or to be executed in this state; an individual  
16 practicing engineering or land surveying is not relieved of  
17 the responsibility for his conduct or acts performed by  
18 reason of his employment by or relationship with the  
19 partnership or corporation; and

20 (e) all final drawings, specifications, plans,  
21 reports, or other engineering or land surveying papers or  
22 documents involving the practice of engineering or land  
23 surveying, when issued, are dated and bear the seals and  
24 signatures of the professional engineers or professional  
25 land surveyors registered under this chapter by whom or

1 under whose responsible charge they were prepared.

2 (3) A partnership or corporation desiring a  
3 certificate of authorization or the renewal thereof shall  
4 file a written application with the board listing the names  
5 and addresses of all partners of the partnership or officers  
6 and directors of the corporation and the names and addresses  
7 of all employees who are registered to practice engineering  
8 or land surveying in this state and who are or will be in  
9 responsible charge of any engineering or land surveying in  
10 this state by the partnership or corporation, together with  
11 any other information the board requires. Upon the receipt  
12 of an application and of a fee in an amount established by  
13 the board for the initial certificate or biennial renewal  
14 thereof, the board shall issue to the partnership or  
15 corporation a certificate of authorization or a renewal  
16 thereof, which certificate of authorization may not be  
17 transferred. If the board finds an error in an application  
18 or that facts exist which would entitle the board to suspend  
19 or revoke a certificate if issued to the applicant, the  
20 board shall deny the application. If a change occurs in the  
21 information submitted on the application of a partnership or  
22 corporation within the term of the authorization, the  
23 partnership or corporation shall file with the board a  
24 written report listing the change within 30 days after the  
25 change occurs. The provisions of this chapter concerning

1 issuance, expiration, renewal, and reissuance of  
 2 certificates of registration of individuals, except for  
 3 37-67-315(2), apply to certificates of authorization issued  
 4 to partnerships and corporations under this subsection.  
 5 Partnerships or corporations are subject to disciplinary  
 6 proceedings and penalties and the board may reprimand them  
 7 or revoke, suspend, or refuse to renew their certificates of  
 8 authorization for cause in the same manner and to the same  
 9 extent as provided in 37-67-331. "Registrant" and  
 10 "certificate of registration" in 37-67-331 include any  
 11 partnership or corporation holding a certificate of  
 12 authorization issued under this subsection and to such  
 13 certificate of authorization.

14 Section 6. Section 37-67-301, MCA, is amended to read:

15 "37-67-301. License required to practice or offer to  
 16 practice. In order to safeguard life, health, and property  
 17 and to promote the public welfare, any person in either  
 18 public or private capacity practicing or offering to  
 19 practice engineering or land surveying shall hereafter be  
 20 required to submit evidence that he is qualified so to  
 21 practice and shall be registered as hereinafter provided.  
 22 From and after January 1, 1958, it shall be unlawful for any  
 23 person to practice or to offer to practice in this state  
 24 engineering or land surveying, as defined in this chapter,  
 25 or to use in connection with his name or otherwise assume,

1 use, or advertise any title or description tending to convey  
 2 the impression that he is a professional engineer or a  
 3 professional land surveyor unless such person has been duly  
 4 registered under the provisions of this chapter."

5 Section 7. Section 37-67-303, MCA, is amended to read:

6 "37-67-303. Application -- contents -- fees. (1)  
 7 Applications for registration shall be on forms prescribed  
 8 by the board and furnished by the department, shall contain  
 9 statements made under oath showing the applicant's education  
 10 and a detailed summary of his technical work, and shall  
 11 contain not less than five references, of whom three or more  
 12 shall be professional engineers or professional land  
 13 surveyors having personal knowledge of his engineering or  
 14 land surveying experience.

15 (2) The fee for engineer-in-training is as prescribed  
 16 by the board and shall accompany the application and shall  
 17 include the cost of one examination. No additional fee is  
 18 required for issuance of a certificate.

19 (3) The application fee for registration as a  
 20 professional engineer is as prescribed by the board for  
 21 those holding an engineer-in-training certificate validated  
 22 for Montana. For those holding a valid engineer-in-training  
 23 certificate from some other state, the application fee is as  
 24 prescribed by the board, which includes cost of verification  
 25 of engineer-in-training certification and one examination.



1 Upon approval of application for registration as a  
 2 professional engineer, an additional fee equal to the  
 3 existing renewal fee must be paid before issuance of a  
 4 certificate as a professional engineer.

5 (4) The department, subject to approval by the board,  
 6 may, on approval of the application, payment of a fee as  
 7 prescribed by the board and payment of an additional fee  
 8 equal to the appropriate renewal fee, issue a certificate of  
 9 registration as a professional engineer to a person who  
 10 holds a certificate of qualification or registration issued  
 11 to him by the committee on national engineering  
 12 certification of the national council of engineering  
 13 examiners or by a state, territory, or possession of the  
 14 United States or by another country if the applicant's  
 15 qualifications meet the requirements of this chapter and the  
 16 rules of the board.

17 (5) The fee for land surveyor-in-training is as  
 18 prescribed by the board, which shall accompany the  
 19 application and shall include the cost of one examination.  
 20 No additional fee is required for issuance of a certificate.

21 (6) The application fee for registration as a  
 22 professional land surveyor is as prescribed by the board for  
 23 those holding a land surveyor-in-training certificate  
 24 validated in Montana. For those holding a valid land  
 25 surveyor-in-training certificate from some other state, the

1 application fee is as prescribed by the board, which  
 2 includes cost of verification of the certification. Upon  
 3 approval of application for registration as a professional  
 4 land surveyor, an additional fee equal to the existing  
 5 renewal fee must be paid before issuance of a certificate as  
 6 a professional land surveyor.

7 (7) The application fee for registration as both a  
 8 professional engineer and professional land surveyor is as  
 9 prescribed by the board for those holding  
 10 engineer-in-training and land surveyor-in-training  
 11 certificates validated in Montana. For those holding valid  
 12 engineer-in-training and land surveyor-in-training  
 13 certificates from another state, the application fee is as  
 14 prescribed by the board. The fee shall accompany the  
 15 application. Upon approval of application for registration  
 16 as a professional engineer and professional land surveyor,  
 17 an additional fee equal to the existing renewal fee must be  
 18 paid before issuance of a certificate.

19 (8) If the board denies issuance of a certificate of  
 20 registration to any applicant, the initial fee deposited  
 21 shall be retained as an application fee."

22 Section 8. Section 37-67-305, MCA, is amended to read:

23 "37-67-305. General qualifications of applicants for  
 24 registration as professional engineer or  
 25 engineer-in-training. To be eligible for admission to

1 examination for professional engineer or  
 2 engineer-in-training, an applicant must be able to  
 3 communicate in the English language and be of good character  
 4 and reputation. The applicant must submit five references  
 5 with his application for registration as a professional  
 6 engineer; three references shall be professional engineers  
 7 with personal knowledge of his engineering experience. In  
 8 the case of an application for certification as an  
 9 engineer-in-training, the applicant must submit three  
 10 character references."

11 Section 9. Section 37-67-308, MCA, is amended to read:

12 "37-67-308. General qualifications of applicants for  
 13 registration as professional land surveyor or land  
 14 surveyor-in-training. (1) To be eligible for admission to  
 15 examination for professional land surveyor or land  
 16 surveyor-in-training, an applicant must be able to  
 17 communicate in the English language and be of good character  
 18 and reputation. The applicant shall submit five references  
 19 with his application for registration as a professional land  
 20 surveyor, three of which references shall be registered  
 21 professional land surveyors having personal knowledge of his  
 22 land surveying experience. In the case of an application for  
 23 certification as a land surveyor-in-training, the applicant  
 24 shall submit three references, one of whom shall be a  
 25 registered professional land surveyor having persona.

1 knowledge of the applicant's land surveying experience.

2 (2) The evaluation of a land surveyor applicant's  
 3 qualifications involves a consideration of his education,  
 4 technical and land surveying experience, exhibits of land  
 5 surveying projects of with which he has been in-charge  
 6 associated, recommendations by references, and a reviewing  
 7 of these categories. ~~An interview may be held at the board's~~  
 8 ~~discretion. A land surveyor-in-training applicant's~~  
 9 ~~qualifications may be reviewed at an interview if the board~~  
 10 ~~considers it necessary. Educational--credit-for-institute~~  
 11 ~~courses,--correspondence-courses,--etc,--shall--be--determined~~  
 12 ~~by--the--board.~~ Minimal educational requirements for those  
 13 applicants who intend to use education as evidence of  
 14 qualification must include 40 quarter credit hours in  
 15 surveying techniques and principles and practices of  
 16 surveying curricula prescribed by the board."

17 Section 10. Section 37-67-309, MCA, is amended to  
 18 read:

19 "37-67-309. Qualifications of applicant for  
 20 registration as professional land surveyor. One of the  
 21 following shall be considered as minimum evidence to the  
 22 board that the applicant is qualified for registration as a  
 23 professional land surveyor:

24 (1) have a bachelor of science degree in an-approved a  
 25 board-approved curriculum and present evidence satisfactory

1 to the board that, in addition thereto, he has had at least  
 2 4 years of combined office and field experience in land  
 3 surveying satisfactory to the board, with a minimum of 3  
 4 years of progressive experience ~~in-charge--of~~ on land  
 5 surveying projects under the direct supervision of a  
 6 registered professional land surveyor, and have passed the  
 7 examinations as required by the board;

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

19 (3) present evidence satisfactory to the board that he  
 20 has had at least 10 years of combined office and field  
 21 experience in land surveying satisfactory to the board, with  
 22 a minimum of 6 years of progressive experience ~~in-charge-of~~  
 23 on land surveying projects ~~in--Montana,~~ under the direct  
 24 supervision of a registered professional land surveyor, and  
 25 has passed the examinations as required by the board."

1 Section 11. Section 37-67-310, MCA, is amended to  
 2 read:

3 "37-67-310. Qualifications of applicant for  
 4 registration as land surveyor-in-training. One of the  
 5 following shall be considered as minimum evidence to the  
 6 board that the applicant is qualified for registration as a  
 7 land surveyor-in-training:

8 (1) have a bachelor of science degree in an approved  
 9 curriculum and present evidence satisfactory to the board  
 10 that he has had, in addition thereto, at least 2 years of  
 11 combined office and field experience in land surveying, with  
 12 a minimum of 1 year in charge of land surveying projects  
 13 under the supervision of a professional land surveyor, and  
 14 have passed the written examinations required by the board;

15 (2) have at least 2 years of formal education in an  
 16 approved curriculum above high school level with at least 90  
 17 quarter credit hours or equivalent semester hours passed, or  
 18 the equivalent approved by the board, and present evidence  
 19 satisfactory to the board that, in addition thereto, he has  
 20 had at least 4 years of combined office and field experience  
 21 in land surveying, with a minimum of 2 years in charge of  
 22 land surveying projects under the supervision of a  
 23 professional land surveyor, and have passed the written  
 24 examinations required by the board; or

25 (3) present evidence satisfactory to the board that he

1 has had at least 6 years of combined office and field  
 2 experience in land surveying, with a minimum of 4 years of  
 3 experience in charge of land surveying projects in Montana,  
 4 under the supervision of a registered professional land  
 5 surveyor, and has passed the examinations required by the  
 6 board."

7 Section 12. Section 37-67-311, MCA, is amended to  
 8 read:

9 "37-67-311. Examinations. Examination requirements are  
 10 as follows:

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

14 (2) Written examinations may be taken only after the  
 15 applicant has met the other minimum requirements as given in  
 16 37-67-305 through 37-67-310 and has been approved by the  
 17 board for admission to the examinations as follows:

18 (a) The examination on engineering fundamentals  
 19 consists of an 8-hour examination on the fundamentals of  
 20 engineering. Passing the examination qualifies the examinee  
 21 for an engineer-in-training certificate provided he has met  
 22 all other requirements for certification required by this  
 23 chapter.

24 (b) The examination on principles and practice of  
 25 engineering consists of an 8-hour examination on applied

1 engineering. Passing this examination qualifies the examinee  
 2 for registration as a professional engineer provided he has  
 3 met the other requirements for registration required by this  
 4 chapter.

5 (c) The examinations for land surveyor-in-training  
 6 consist of two 4-hour examinations, designated as parts I  
 7 and II, on the basic disciplines of land surveying. Passing  
 8 these examinations qualifies the examinee for a land  
 9 surveyor-in-training certificate provided he has met all  
 10 other requirements for certificates required by this  
 11 chapter.

12 (d) The requirements and examinations for professional  
 13 land surveyor consist of being a land surveyor-in-training  
 14 and of two 4-hour examinations, designated as parts III and  
 15 IV, on the applied disciplines of land surveying. Passing  
 16 these examinations qualifies the examinee for registration  
 17 as a professional land surveyor provided he has met the  
 18 other requirements for registration required by this  
 19 chapter.

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 13. Section 37-67-313, MCA, is amended to  
2 read:

3 "37-67-313. Comity consideration for land surveyors  
4 from other states. A person holding a certificate of  
5 registration ~~or comparable qualifications~~ to engage in the  
6 practice of land surveying issued from by a proper authority  
7 of a state, territory, or possession of the United States or  
8 the District of Columbia, based on requirements that do not  
9 conflict with the provisions of this chapter and were of a  
10 standard not lower than that specified in the applicable  
11 registration act in effect in this state at the time the  
12 certificate was issued, will be given comity consideration.  
13 However, he may be asked to meet the conditions for taking  
14 and take such examinations as the board deems necessary to  
15 determine his qualifications; but in any event, he shall be  
16 required to pass a written examination of not less than  
17 8-hours' duration, which shall include questions on laws,  
18 procedures, and practices pertaining to the practice of land  
19 surveying in this state."

20 Section 14. Section 37-67-314, MCA, is amended to  
21 read:

22 "37-67-314. Issuance of certificates -- seal of  
23 professional engineer or professional land surveyor --  
24 enrollment card for trainees. (1) The department shall issue  
25 to any applicant who, in the opinion of the board, has met

1 the requirements of this chapter a certificate of  
2 registration giving the registrant proper authority to  
3 practice his profession and to assume responsible charge of  
4 engineering or land surveying projects in this state. The  
5 certificate of registration for a professional engineer  
6 shall carry the designation "professional engineer" and for  
7 a professional land surveyor, "professional land surveyor".  
8 It shall give the full name of the registrant with his  
9 serial number and shall be signed by the chairman and the  
10 secretary under the seal of the board.

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

16 (3) Each registrant hereunder may, upon registration,  
17 obtain a seal of a design authorized by the board, bearing  
18 the registrant's name, serial number, and the legend  
19 "professional engineer" and/or "professional land surveyor".  
20 Plans, specifications, plats, and drawings, reports, design  
21 information, and calculations prepared by a registrant ~~shall~~  
22 must when issued be certified, signed with a written  
23 signature, dated, and stamped with the seal or a seal  
24 facsimile thereof. It ~~shall be~~ is unlawful for a registrant  
25 to affix or permit his seal and signature or seal facsimile

1 thereof to be affixed to any plans, specifications, plats,  
 2 or drawings, reports, design information, or calculations  
 3 after the expiration of a certificate or for ~~the purpose--of~~  
 4 ~~aiding--or--abetting-any-other-person-to-evade-or-attempt-to~~  
 5 ~~evade-any-provision-of-this-chapter projects for which the~~  
 6 registrant was not in responsible charge.

7 (4) The department shall issue to any applicant who,  
 8 in the opinion of the board, has met the requirements of  
 9 this chapter an enrollment card as engineer-in-training or  
 10 land surveyor-in-training which indicates that his name has  
 11 been 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 professional land surveyor."

15 Section 15. Section 37-67-315, MCA, is amended to  
 16 read:

17 "37-67-315. Biennial renewal -- fee -- verification  
 18 statement of competency. (1) Certificates of registration  
 19 expire every second year on the date established by rule of  
 20 the department and become invalid on that date unless  
 21 renewed. The department shall notify every person registered  
 22 under this chapter of the date of the expiration of his  
 23 certificate and the amount of the fee required for its  
 24 renewal for 2 years. This notice shall be mailed at least 1  
 25 month in advance of the date of the expiration of the

1 certificate. Renewal may be made prior to the expiration  
 2 date by the payment of a fee as set by the board for either  
 3 a professional engineer or professional land surveyor. For  
 4 renewal of a dual license as both a professional engineer  
 5 and professional land surveyor, the fee shall be set by the  
 6 board.

7 (2) No certificate may be renewed unless the  
 8 registrant submits a verified statement to the effect and  
 9 the board is satisfied that he has maintained competency by:

10 (a) the continued practice of engineering or land  
 11 surveying; or

12 (b) engaging in other activities that provide for the  
 13 maintenance of competency as prescribed by board rule.

14 (3) Failure on the part of a registrant to renew his  
 15 certificate biennially prior to the expiration date does not  
 16 deprive him of the right of renewal; however, a registrant  
 17 who fails to pay the renewal fee for an additional year of  
 18 the biennium shall be considered a new applicant and is  
 19 required to submit a new application.

20 (4) The fee for any registrant who fails to renew his  
 21 certificate prior to the expiration date shall be increased  
 22 by an amount not to exceed 50% of his renewal fee. Renewal  
 23 may not be completed until all fees are paid."

24 Section 16. Section 37-67-318, MCA, is amended to  
 25 read:

1 "37-67-318. Roster of licensees to be published by  
 2 department. A roster showing the names and addresses of  
 3 registered professional engineers and registered  
 4 professional land surveyors shall be published by the  
 5 department. ~~Copies--of--this-roster-shall-be-mailed-to-each~~  
 6 ~~person-registered~~; Copies shall also be placed on file with  
 7 the secretary of state, the clerk of each incorporated city  
 8 and town, and in the office of each county clerk and  
 9 recorder within the state and furnished to each person  
 10 registered and to the public, on request, at a fee  
 11 established by the board."

12 Section 17. Section 37-67-319, MCA, is amended to  
 13 read:

14 "37-67-319. Temporary permits for nonresident  
 15 practitioners. Temporary permits are governed by the  
 16 following:

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

1 board. Upon approval by the board, such person may be  
 2 granted a written permit for a definite period of time not  
 3 to exceed 1 year to do a specific job; provided, however, no  
 4 right to practice engineering shall accrue to such applicant  
 5 with respect to any other works not set forth in the permit.

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

11 Section 18. Section 37-67-331, MCA, is amended to  
 12 read:

13 "37-67-331. Revocation, suspension, or refusal to  
 14 renew certificate -- grounds -- procedure -- reinstatement.

15 (1) The board may reprimand or revoke, suspend, or refuse to  
 16 renew the certificate of a 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 professional land  
 22 surveyor;

23 (c) a felony;

24 (d) violation of rules for professional conduct for  
 25 professional engineers and professional land surveyors

1 adopted by the board;

2 (e) if a professional land surveyor, failure to comply  
3 with the Corner Recordation Act.

4 (2) Any person may make charges of fraud, deceit,  
5 gross negligence, incompetency, or misconduct against a  
6 registrant. The charges shall be made by affidavit and  
7 subscribed and sworn to by the person making them and filed  
8 with the department. The charges shall be investigated by  
9 the board and, unless the board dismisses the charges after  
10 investigation as unfounded or trivial, it shall act on the  
11 charges within 6 months after the date on which the charges  
12 were made. The board is considered to have acted on the  
13 charges if it has given notice by mail to the licensee of  
14 its intent to revoke, suspend, or refuse to renew his  
15 license and the notice contains the facts or conduct which  
16 warrant the intended action. For purposes of investigation  
17 under this section, the board may require that a registrant  
18 meet with it.

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

22 (4) If, after hearing, five or more members of the  
23 board vote in favor of sustaining the charges, the board  
24 shall reprimand, suspend, refuse to renew, or revoke the  
25 certificate of registration of the registered professional

1 engineer or professional land surveyor.

2 (5) The board, for reasons it considers sufficient,  
3 may reissue a certificate of registration to a person whose  
4 certificate has been revoked if five or more members of the  
5 board vote in favor of the reissuance."

6 Section 19. Section 37-67-332, MCA, is amended to  
7 read:

8 "37-67-332. Violations -- penalties -- enforcement.

9 (1) A person who practices or offers to practice engineering  
10 or land surveying in this state without being registered  
11 under this chapter or a person presenting or attempting to  
12 use as his own the certificate of registration or the seal  
13 of another or a person who gives false or forged evidence to  
14 the board or department in obtaining a certificate of  
15 registration or a person who falsely impersonates another  
16 registrant or a person who attempts to use an expired, or  
17 revoked, or emeritus certificate of registration or a person  
18 who violates this chapter is guilty of a misdemeanor and  
19 shall on conviction be fined not less than \$100 or more than  
20 \$500 or imprisoned for a period not exceeding 3 months, or  
21 both.

22 (2) All officers of the law of this state or a  
23 political subdivision thereof shall enforce this chapter and  
24 prosecute persons violating it. The attorney general shall  
25 act as legal adviser of the board and render legal



1 assistance necessary in carrying out this chapter."

2 NEW SECTION. Section 20. Emeritus status. (1) A  
3 registrant who has terminated his practice of engineering or  
4 land surveying may apply to the board for emeritus status.

5 (2) Upon receiving an application for emeritus status  
6 accompanied by the fee established by the board, the board  
7 shall issue a certificate of emeritus status to the  
8 applicant and record the applicant's name in the roster as  
9 an emeritus registrant, along with the date he received  
10 emeritus status.

11 (3) An emeritus registrant may retain but may not use  
12 his seal and may not practice engineering or land surveying.

13 (4) The board shall reissue a certificate of  
14 registration to an emeritus registrant who pays all  
15 application fees, meets all current requirements for  
16 registration, and demonstrates to the board's satisfaction  
17 that for the 2 years preceding his application for  
18 registration he has met the requirements for maintaining  
19 professional competence established under 37-67-315.

20 NEW SECTION. Section 21. Extension of authority. Any  
21 existing authority of the board of professional engineers  
22 and land surveyors to make rules on the subject of the  
23 provisions of this act is extended to the provisions of this  
24 act.

25 NEW SECTION. Section 22. Codification instruction.

1 Sections 5 and 20 are intended to be codified as an integral  
2 part of Title 37, chapter 67, and the provisions of Title  
3 37, chapter 67, apply to sections 5 and 20.

-End-

APPROVED BY COMM. ON  
NATURAL RESOURCES

1 SENATE BILL NO. 323  
2 INTRODUCED BY HAGER  
3 BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS  
4 AND LAND SURVEYORS  
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
7 LAWS CONCERNING REGISTRATION AND REGULATION OF PROFESSIONAL  
8 ENGINEERS AND LAND SURVEYORS; REVISING REQUIREMENTS FOR THE  
9 PRACTICE OF ENGINEERING AND LAND SURVEYING BY PARTNERSHIPS  
10 AND CORPORATIONS; AUTHORIZING EMERITUS STATUS FOR FORMER  
11 REGISTRANTS; AMENDING SECTIONS 2-15-1873, 37-67-101 THROUGH  
12 37-67-103, 37-67-301, 37-67-303, 37-67-305, 37-67-308  
13 THROUGH 37-67-311, 37-67-313 THROUGH 37-67-315, 37-67-318,  
14 37-67-319, 37-67-331, AND 37-67-332, MCA."  
15

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 2-15-1873, MCA, is amended to read:

18 "2-15-1873. Board of professional engineers and land  
19 surveyors. (1) There is a board of professional engineers  
20 and land surveyors.

21 (2) The board consists of nine members appointed by  
22 the governor with the consent of the senate. The members  
23 are:

24 (a) five professional engineers who have been engaged  
25 in the practice of engineering for at least 12 years and who

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

6 (b) two registered and practicing land surveyors who  
7 have been engaged in the practice of land surveying for at  
8 least 12 years and who have been in responsible charge of  
9 land surveying or important land surveying work for at least  
10 5 years and registered in Montana for at least 5 years;

11 (c) two representatives of the public who are not  
12 engaged in or directly connected with the practice of  
13 engineering or land surveying.

14 (3) Each member shall be a citizen of the United  
15 States and a resident of this state. A member, after  
16 serving three consecutive terms, shall not be reappointed.

17 (4) (a) Each Except as provided in subsection (4)(b),  
18 each member shall serve for a term of 4 years.

19 (b) The governor may remove a member for misconduct,  
20 incompetency, neglect of duty, or for any other sufficient  
21 cause and may shorten the term of one public member so that  
22 it is not coincident with the term of the other public  
23 member.

24 (5) The board is allocated to the department for  
25 administrative purposes only as prescribed in 2-15-121."

1 Section 2. Section 37-67-101, MCA, is amended to read:  
 2 "37-67-101. Definitions. As used in this chapter, the  
 3 following definitions apply:

4 (1) "Board" means the board of professional engineers  
 5 and land surveyors provided for in 2-15-1873.

6 (2) "Department" means the department of commerce  
 7 provided for in Title 2, chapter 15, part 18.

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

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

24 (6) "Practice of engineering" means any service or  
 25 creative work the adequate performance of which requires

1 engineering education, training, and experience in the  
 2 application of special knowledge of the mathematical,  
 3 physical, and engineering sciences to such services or  
 4 creative work as consultation, investigation, evaluation,  
 5 planning and design of engineering works and systems,  
 6 planning the use of water, teaching of advanced engineering  
 7 subjects, engineering surveys, and the inspection of  
 8 construction for the purpose of assuring compliance with  
 9 drawings and specifications; any of which embraces such  
 10 services or work, either public or private, in connection  
 11 with any utilities, structures, buildings, machines,  
 12 equipment, processes, work systems, projects, and industrial  
 13 or consumer products or equipment of mechanical, electrical,  
 14 hydraulic, pneumatic, or thermal nature insofar as they  
 15 involve safeguarding life, health, or property and including  
 16 such other professional services as may be necessary to the  
 17 planning, progress, and completion of any engineering  
 18 services. The term does not include the work ordinarily  
 19 performed by persons who operate or maintain machinery or  
 20 equipment, communication lines, signal circuits, electric  
 21 powerlines, or pipelines.

22 (7) "Practice of land surveying" means any service or  
 23 work, the adequate performance of which requires the  
 24 application of knowledge of the principles of mathematics,  
 25 physical sciences, applied sciences, and:

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

4 (b) teaching of land surveying subjects;

5 (c) measurement and allocation of lines, angles, and  
6 elevations, and coordinate systems;

7 (d) location of natural and manmade features in the  
8 air, on the surface of the earth, within underground  
9 workings, and on the beds of bodies of water, including such  
10 work for the determination of areas and volumes;

11 (e) monumenting of property boundaries;

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

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

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

25 (9) "Responsible charge" means direct charge and

1 control and personal supervision either of engineering work  
2 or of land surveying, as the case may be. Only professional  
3 engineers or land surveyors may legally assume responsible  
4 charge under this chapter."

5 Section 3. Section 37-67-102, MCA, is amended to read:

6 "37-67-102. Representation as practitioner to be  
7 construed as practice. (1) A person shall be construed to  
8 practice or offer to practice engineering, within the  
9 meaning and intent of this chapter, who practices any branch  
10 of the profession of engineering or who by verbal claim,  
11 sign, advertisement, letterhead, card, or in any other way  
12 represents himself to be a professional engineer or through  
13 the use of some other title implies that he is a  
14 professional engineer or that he is registered under this  
15 chapter or who holds himself out as able to perform or who  
16 does perform any engineering service or work or any other  
17 service designated by the practitioner which is recognized  
18 as engineering.

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

1 to perform or who does perform any land surveying service or  
 2 work or any other service designated by the practitioner  
 3 which is recognized as land surveying."

4 Section 4. Section 37-67-103, MCA, is amended to read:  
 5 "37-67-103. Exemptions. The following are exempt from  
 6 coverage under this chapter:

7 (1) the practice of any other legally recognized  
 8 professions or trades;

9 (2) the mere execution of work by a contractor, as  
 10 distinguished from its planning or design or the supervision  
 11 of the construction of work as a foreman or superintendent;

12 (3) the work of an employee or a subordinate of a  
 13 person holding a certificate of registration under this  
 14 chapter or an employee of a person practicing lawfully under  
 15 this chapter, provided such work does not include final  
 16 engineering or land surveying designs or decisions and is  
 17 done under the direct supervision of a person holding a  
 18 certificate of registration under this chapter or a person  
 19 practicing lawfully under this chapter;

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, partnership, corporation,~~  
 25 ~~or joint stock association or by its members, officers, or~~

1 ~~employees on its behalf, if each person personally~~  
 2 ~~supervising and in direct charge of all activities of the~~  
 3 ~~firm, partnership, corporation, or joint stock association~~  
 4 ~~which constitutes the practice is a professional engineer or~~  
 5 ~~land surveyor holding a certificate of registration under~~  
 6 ~~this chapter."~~

7 NEW SECTION. Section 5. Practice by partnerships and  
 8 corporations. (1) The practice of or offer to practice  
 9 engineering or land surveying by registered professional  
 10 engineers or registered professional land surveyors  
 11 organized as a partnership or incorporated as a professional  
 12 corporation under the provisions of the professional  
 13 corporations law of this state or under the provisions of a  
 14 similar law of any other state is permitted in this state if  
 15 all the partners of the partnership or each officer and  
 16 shareholder of the professional corporation are registered  
 17 under or exempt from this chapter.

18 (2) The practice of or offer to practice engineering  
 19 or land surveying by a partnership other than one provided  
 20 for in subsection (1) or by a corporation, other than a  
 21 professional corporation, is permitted in this state if:

22 (a) all officers, employees, and agents of a  
 23 partnership or corporation who will perform the practice of  
 24 engineering or land surveying within this state for the  
 25 partnership or corporation are registered under this

1 chapter;

2 (b) each person in responsible charge of the  
3 activities of a partnership or corporation, which activities  
4 constitute the practice of engineering or land surveying, is  
5 a professional engineer or professional land surveyor  
6 registered in this state or a person authorized to practice  
7 engineering or land surveying as provided in this chapter;

8 (c) the partnership or corporation has been issued a  
9 certificate of authorization by the board as provided in  
10 subsection (3);

11 (d) the partnership or corporation is jointly and  
12 severally responsible with and for the conduct or acts of  
13 its agents, employees, or officers concerning any  
14 professional engineering or land surveying services  
15 performed or to be executed in this state; an individual  
16 practicing engineering or land surveying is not relieved of  
17 the responsibility for his conduct or acts performed by  
18 reason of his employment by or relationship with the  
19 partnership or corporation; and

20 (e) all final drawings, specifications, plans,  
21 reports, or other engineering or land surveying papers or  
22 documents involving the practice of engineering or land  
23 surveying, when issued, are dated and bear the seals and  
24 signatures of the professional engineers or professional  
25 land surveyors registered under this chapter by whom or

1 under whose responsible charge they were prepared.

2 (3) A partnership or corporation desiring a  
3 certificate of authorization or the renewal thereof shall  
4 file a written application with the board listing the names  
5 and addresses of all partners of the partnership or officers  
6 and directors of the corporation and the names and addresses  
7 of all employees who are registered to practice engineering  
8 or land surveying in this state and who are or will be in  
9 responsible charge of any engineering or land surveying in  
10 this state by the partnership or corporation, together with  
11 any other information the board requires. Upon the receipt  
12 of an application and of a fee in an amount established by  
13 the board for the initial certificate or biennial renewal  
14 thereof, the board shall issue to the partnership or  
15 corporation a certificate of authorization or a renewal  
16 thereof, which certificate of authorization may not be  
17 transferred. If the board finds an error in an application  
18 or that facts exist which would entitle the board to suspend  
19 or revoke a certificate if issued to the applicant, the  
20 board shall deny the application. If a change occurs in the  
21 information submitted on the application of a partnership or  
22 corporation within the term of the authorization, the  
23 partnership or corporation shall file with the board a  
24 written report listing the change within 30 days after the  
25 change occurs. The provisions of this chapter concerning

1 issuance, expiration, renewal, and reissuance of  
 2 certificates of registration of individuals, except for  
 3 37-67-315(2), apply to certificates of authorization issued  
 4 to partnerships and corporations under this subsection.  
 5 Partnerships or corporations are subject to disciplinary  
 6 proceedings and penalties and the board may reprimand them  
 7 or revoke, suspend, or refuse to renew their certificates of  
 8 authorization for cause in the same manner and to the same  
 9 extent as provided in 37-67-331. "Registrant" and  
 10 "certificate of registration" in 37-67-331 include any  
 11 partnership or corporation holding a certificate of  
 12 authorization issued under this subsection and to such  
 13 certificate of authorization.

14 Section 6. Section 37-67-301, MCA, is amended to read:

15 "37-67-301. License required to practice or offer to  
 16 practice. In order to safeguard life, health, and property  
 17 and to promote the public welfare, any person in either  
 18 public or private capacity practicing or offering to  
 19 practice engineering or land surveying shall hereafter be  
 20 required to submit evidence that he is qualified so to  
 21 practice and shall be registered as hereinafter provided.  
 22 From and after January 1, 1958, it shall be unlawful for any  
 23 person to practice or to offer to practice in this state  
 24 engineering or land surveying, as defined in this chapter,  
 25 or to use in connection with his name or otherwise assume,

1 use, or advertise any title or description tending to convey  
 2 the impression that he is a professional engineer or a  
 3 professional land surveyor unless such person has been duly  
 4 registered under the provisions of this chapter."

5 Section 7. Section 37-67-303, MCA, is amended to read:

6 "37-67-303. Application -- contents -- fees. (1)  
 7 Applications for registration shall be on forms prescribed  
 8 by the board and furnished by the department, shall contain  
 9 statements made under oath showing the applicant's education  
 10 and a detailed summary of his technical work, and shall  
 11 contain not less than five references, of whom three or more  
 12 shall be professional engineers or professional land  
 13 surveyors having personal knowledge of his engineering or  
 14 land surveying experience.

15 (2) The fee for engineer-in-training is as prescribed  
 16 by the board and shall accompany the application and shall  
 17 include the cost of one examination. No additional fee is  
 18 required for issuance of a certificate.

19 (3) The application fee for registration as a  
 20 professional engineer is as prescribed by the board for  
 21 those holding an engineer-in-training certificate validated  
 22 for Montana. For those holding a valid engineer-in-training  
 23 certificate from some other state, the application fee is as  
 24 prescribed by the board, which includes cost of verification  
 25 of engineer-in-training certification and one examination.

1 Upon approval of application for registration as a  
 2 professional engineer, an additional fee equal to the  
 3 existing renewal fee must be paid before issuance of a  
 4 certificate as a professional engineer.

5 (4) The department, subject to approval by the board,  
 6 may, on approval of the application, payment of a fee as  
 7 prescribed by the board and payment of an additional fee  
 8 equal to the appropriate renewal fee, issue a certificate of  
 9 registration as a professional engineer to a person who  
 10 holds a certificate of qualification or registration issued  
 11 to him by the committee on national engineering  
 12 certification of the national council of engineering  
 13 examiners or by a state, territory, or possession of the  
 14 United States or by another country if the applicant's  
 15 qualifications meet the requirements of this chapter and the  
 16 rules of the board.

17 (5) The fee for land surveyor-in-training is as  
 18 prescribed by the board, which shall accompany the  
 19 application and shall include the cost of one examination.  
 20 No additional fee is required for issuance of a certificate.

21 (6) The application fee for registration as a  
 22 professional land surveyor is as prescribed by the board for  
 23 those holding a land surveyor-in-training certificate  
 24 validated in Montana. For those holding a valid land  
 25 surveyor-in-training certificate from some other state, the

1 application fee is as prescribed by the board, which  
 2 includes cost of verification of the certification. Upon  
 3 approval of application for registration as a professional  
 4 land surveyor, an additional fee equal to the existing  
 5 renewal fee must be paid before issuance of a certificate as  
 6 a professional land surveyor.

7 (7) The application fee for registration as both a  
 8 professional engineer and professional land surveyor is as  
 9 prescribed by the board for those holding  
 10 engineer-in-training and land surveyor-in-training  
 11 certificates validated in Montana. For those holding valid  
 12 engineer-in-training and land surveyor-in-training  
 13 certificates from another state, the application fee is as  
 14 prescribed by the board. The fee shall accompany the  
 15 application. Upon approval of application for registration  
 16 as a professional engineer and professional land surveyor,  
 17 an additional fee equal to the existing renewal fee must be  
 18 paid before issuance of a certificate.

19 (8) If the board denies issuance of a certificate of  
 20 registration to any applicant, the initial fee deposited  
 21 shall be retained as an application fee."

22 ~~Section 87--Section 37-67-3057-MCA7-is-amended-to-read:~~  
 23 ~~"37-67-3057--General-qualifications--of-applicants-for~~  
 24 ~~registration-----as-----professional-----engineer-----or~~  
 25 ~~engineer-in-training---To-be-eligible-for-admission-to~~



1 examination-----for-----professional-----engineer-----or  
 2 engineer-in-training,---an---applicant---must---be---able---to  
 3 communicate-in-the-English-language-and-be-of-good-character  
 4 and-reputation;-The-applicant-must--submit--five--references  
 5 with--his--application--for--registration--as-a-professional  
 6 engineer;-three-references-shall-be--professional--engineers  
 7 with--personal--knowledge--of-his-engineering-experience--in  
 8 the--case--of--an--application--for--certification---as---an  
 9 engineer-in-training,---the---applicant---must---submit---three  
 10 character-references;"

11 Section 8. Section 37-67-308, MCA, is amended to read:

12 "37-67-308. General qualifications of applicants for  
 13 registration as professional land surveyor or land  
 14 surveyor-in-training. (1) To be eligible for admission to  
 15 examination for professional land surveyor or land  
 16 surveyor-in-training, an applicant must be able---to  
 17 communicate-in-the-English-language-and-be of good character  
 18 and reputation. The applicant shall submit five references  
 19 with his application for registration as a professional land  
 20 surveyor, three of which references shall be registered  
 21 professional land surveyors having personal knowledge of his  
 22 land surveying experience. In the case of an application for  
 23 certification as a land surveyor-in-training, the applicant  
 24 shall submit three references, one of whom shall be a  
 25 registered professional land surveyor having personal

1 knowledge of the applicant's land surveying experience.

2 (2) The evaluation of a land surveyor applicant's  
 3 qualifications involves a consideration of his education,  
 4 technical and land surveying experience, exhibits of land  
 5 surveying projects of with which he has been in-charge  
 6 associated, recommendations by references, and a reviewing  
 7 of these categories. An-interview-may-be-held-at-the-board's  
 8 discretion. A land surveyor-in-training applicant's  
 9 qualifications may be reviewed at an interview if the board  
 10 considers it necessary. Educational--credit-for-institute  
 11 courses, correspondence courses, etc, shall be determined  
 12 by--the--board. Minimal educational requirements for those  
 13 applicants who intend to use education as evidence of  
 14 qualification must include 40 quarter credit hours in  
 15 surveying techniques and principles and practices of  
 16 surveying curricula prescribed by the board."

17 Section 9. Section 37-67-309, MCA, is amended to read:

18 "37-67-309. Qualifications of applicant for  
 19 registration as professional land surveyor. One of the  
 20 following shall be considered as minimum evidence to the  
 21 board that the applicant is qualified for registration as a  
 22 professional land surveyor:

23 (1) have a bachelor of science degree in an approved a  
 24 board-approved curriculum and present evidence satisfactory  
 25 to the board that, in addition thereto, he has had at least

1 4 years of combined office and field experience in land  
 2 surveying satisfactory to the board, with a minimum of 3  
 3 years of progressive experience ~~in-charge--of~~ on land  
 4 surveying projects under the direct supervision of a  
 5 registered professional land surveyor, and have passed the  
 6 examinations as required by the board;

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

18 (3) present evidence satisfactory to the board that he  
 19 has had at least 10 years of combined office and field  
 20 experience in land surveying satisfactory to the board, with  
 21 a minimum of 6 years of progressive experience ~~in-charge--of~~  
 22 on land surveying projects ~~in--Montana,~~ under the direct  
 23 supervision of a registered professional land surveyor, and  
 24 has passed the examinations as required by the board."

25 Section 10. Section 37-67-310, MCA, is amended to

1 read:

2 "37-67-310. Qualifications of applicant for  
 3 registration as land surveyor-in-training. One of the  
 4 following shall be considered as minimum evidence to the  
 5 board that the applicant is qualified for registration as a  
 6 land surveyor-in-training:

7 (1) have a bachelor of science degree in an approved  
 8 curriculum and present evidence satisfactory to the board  
 9 that he has had, in addition thereto, at least 2 years of  
 10 combined office and field experience in land surveying, with  
 11 a minimum of 1 year in charge of land surveying projects  
 12 under the supervision of a professional land surveyor, and  
 13 have passed the written examinations required by the board;

14 (2) have at least 2 years of formal education in an  
 15 approved curriculum above high school level with at least 90  
 16 quarter credit hours or equivalent semester hours passed, or  
 17 the equivalent approved by the board, and present evidence  
 18 satisfactory to the board that, in addition thereto, he has  
 19 had at least 4 years of combined office and field experience  
 20 in land surveying, with a minimum of 2 years in charge of  
 21 land surveying projects under the supervision of a  
 22 professional land surveyor, and have passed the written  
 23 examinations required by the board; or

24 (3) present evidence satisfactory to the board that he  
 25 has had at least 6 years of combined office and field

1 experience in land surveying, with a minimum of 4 years of  
 2 experience in charge of land surveying projects in Montana,  
 3 under the supervision of a registered professional land  
 4 surveyor, and has passed the examinations required by the  
 5 board."

6 Section 11. Section 37-67-311, MCA, is amended to  
 7 read:

8 "37-67-311. Examinations. Examination requirements are  
 9 as follows:

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

13 (2) Written examinations may be taken only after the  
 14 applicant has met the other minimum requirements as given in  
 15 37-67-305 through 37-67-310 and has been approved by the  
 16 board for admission to the examinations as follows:

17 (a) The examination on engineering fundamentals  
 18 consists of an 8-hour examination on the fundamentals of  
 19 engineering. Passing the examination qualifies the examinee  
 20 for an engineer-in-training certificate provided he has met  
 21 all other requirements for certification required by this  
 22 chapter.

23 (b) The examination on principles and practice of  
 24 engineering consists of an 8-hour examination on applied  
 25 engineering. Passing this examination qualifies the examinee

1 for registration as a professional engineer provided he has  
 2 met the other requirements for registration required by this  
 3 chapter.

4 (c) The examinations for land surveyor-in-training  
 5 consist of two 4-hour examinations, designated as parts I  
 6 and II, on the basic disciplines of land surveying. Passing  
 7 these examinations qualifies the examinee for a land  
 8 surveyor-in-training certificate provided he has met all  
 9 other requirements for certificates required by this  
 10 chapter.

11 (d) The requirements and examinations for professional  
 12 land surveyor consist of being a land surveyor-in-training  
 13 and of two 4-hour examinations, designated as parts III and  
 14 IV, on the applied disciplines of land surveying. Passing  
 15 these examinations qualifies the examinee for registration  
 16 as a professional land surveyor provided he has met the  
 17 other requirements for registration required by this  
 18 chapter.

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 12. Section 37-67-313, MCA, is amended to

1 read:

2 "37-67-313. Comity consideration for land surveyors  
3 from other states. A person holding a certificate of  
4 registration ~~or--comparable-qualifications~~ to engage in the  
5 practice of land surveying issued from by a proper authority  
6 of a state, territory, or possession of the United States or  
7 the District of Columbia, based on requirements that do not  
8 conflict with the provisions of this chapter and were of a  
9 standard not lower than that specified in the applicable  
10 registration act in effect in this state at the time the  
11 certificate was issued, will be given comity consideration.  
12 However, he may be asked to meet the conditions for taking  
13 and take such examinations as the board deems necessary to  
14 determine his qualifications; but in any event, he shall be  
15 required to pass a written examination of not less than  
16 8-hours' duration, which shall include questions on laws,  
17 procedures, and practices pertaining to the practice of land  
18 surveying in this state."

19 Section 13. Section 37-67-314, MCA, is amended to  
20 read:

21 "37-67-314. Issuance of certificates -- seal of  
22 professional engineer or professional land surveyor --  
23 enrollment card for trainees. (1) The department shall issue  
24 to any applicant who, in the opinion of the board, has met  
25 the requirements of this chapter a certificate of

1 registration giving the registrant proper authority to  
2 practice his profession and to assume responsible charge of  
3 engineering or land surveying projects in this state. The  
4 certificate of registration for a professional engineer  
5 shall carry the designation "professional engineer" and for  
6 a professional land surveyor, "professional land surveyor".  
7 It shall give the full name of the registrant with his  
8 serial number and shall be signed by the chairman and the  
9 secretary under the seal of the board.

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

15 (3) Each registrant hereunder may, upon registration,  
16 obtain a seal of a design authorized by the board, bearing  
17 the registrant's name, serial number, and the legend  
18 "professional engineer" and/or "professional land surveyor".  
19 Plans, specifications, plats, and drawings, reports, design  
20 information, and calculations prepared by a registrant ~~shall~~  
21 must when issued be ~~certified~~, signed with a written  
22 signature, dated, and stamped with the seal or a seal  
23 facsimile thereof. It ~~shall be~~ is unlawful for a registrant  
24 to affix or permit his seal and signature or seal facsimile  
25 thereof to be affixed to any plans, specifications, plats,

1 or drawings, reports, design information, or calculations  
 2 after the expiration of a certificate or for the purpose of  
 3 aiding or abetting any other person to evade or attempt to  
 4 evade any provision of this chapter projects for which the  
 5 registrant was not in responsible charge.

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

14 Section 14. Section 37-67-315, MCA, is amended to  
 15 read:

16 "37-67-315. Biennial renewal -- fee -- verification  
 17 statement of competency. (1) Certificates of registration  
 18 expire every second year on the date established by rule of  
 19 the department and become invalid on that date unless  
 20 renewed. The department shall notify every person registered  
 21 under this chapter of the date of the expiration of his  
 22 certificate and the amount of the fee required for its  
 23 renewal for 2 years. This notice shall be mailed at least 1  
 24 month in advance of the date of the expiration of the  
 25 certificate. Renewal may be made prior to the expiration

1 date by the payment of a fee as set by the board for either  
 2 a professional engineer or professional land surveyor. For  
 3 renewal of a dual license as both a professional engineer  
 4 and professional land surveyor, the fee shall be set by the  
 5 board.

6 (2) No certificate may be renewed unless the  
 7 registrant submits a verified statement to the effect and  
 8 the board is satisfied that he has maintained competency by:

9 (a) the continued practice of engineering or land  
 10 surveying; or

11 (b) engaging in other activities that provide for the  
 12 maintenance of competency as prescribed by board rule.

13 (3) Failure on the part of a registrant to renew his  
 14 certificate biennially prior to the expiration date does not  
 15 deprive him of the right of renewal; however, a registrant  
 16 who fails to pay the renewal fee for an additional year of  
 17 the biennium shall be considered a new applicant and is  
 18 required to submit a new application.

19 (4) The fee for any registrant who fails to renew his  
 20 certificate prior to the expiration date shall be increased  
 21 by an amount not to exceed 50% of his renewal fee. Renewal  
 22 may not be completed until all fees are paid."

23 Section 15. Section 37-67-318, MCA, is amended to  
 24 read:

25 "37-67-318. Roster of licensees to be published by

1 department. A roster showing the names and addresses of  
 2 registered professional engineers and registered  
 3 professional land surveyors shall be published by the  
 4 department. ~~Copies of this roster shall be mailed to each~~  
 5 ~~person registered.~~ Copies shall also be placed on file with  
 6 the secretary of state, the clerk of each incorporated city  
 7 and town, and in the office of each county clerk and  
 8 recorder within the state and furnished to each person  
 9 registered and to the public, on request, at a fee  
 10 established by the board."

11 Section 16. Section 37-67-319, MCA, is amended to  
 12 read:

13 "37-67-319. Temporary permits for nonresident  
 14 practitioners. Temporary permits are governed by the  
 15 following:

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

1 granted a written permit for a definite period of time not  
 2 to exceed 1 year to do a specific job; provided, however, no  
 3 right to practice engineering shall accrue to such applicant  
 4 with respect to any other works not set forth in the permit.

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

10 Section 17. Section 37-67-331, MCA, is amended to  
 11 read:

12 "37-67-331. Revocation, suspension, or refusal to  
 13 renew certificate -- grounds -- procedure -- reinstatement.

14 (1) The board may reprimand or revoke, suspend, or refuse to  
 15 renew the certificate of a 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 professional land  
 21 surveyor;

22 (c) a felony;

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

1 (e) if a professional land surveyor, failure to comply  
2 with the 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. The charges shall be investigated by  
8 the board and, unless the board dismisses the charges after  
9 investigation as unfounded or trivial, it shall act on the  
10 charges within 6 months after the date on which the charges  
11 were made. The board is considered to have acted on the  
12 charges if it has given notice by mail to the licensee of  
13 its intent to revoke, suspend, or refuse to renew his  
14 license and the notice contains the facts or conduct which  
15 warrant the intended action. For purposes of investigation  
16 under this section, the board may require that a registrant  
17 meet with it.

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

21 (4) If, after hearing, five or more members of the  
22 board vote in favor of sustaining the charges, the board  
23 shall reprimand, suspend, refuse to renew, or revoke the  
24 certificate of registration of the registered professional  
25 engineer or professional land surveyor.

1 (5) The board, for reasons it considers sufficient,  
2 may reissue a certificate of registration to a person whose  
3 certificate has been revoked if five or more members of the  
4 board vote in favor of the reissuance."

5 Section 18. Section 37-67-332, MCA, is amended to  
6 read:

7 "37-67-332. Violations -- penalties -- enforcement.

8 (1) A person who practices or offers to practice engineering  
9 or land surveying in this state without being registered  
10 under this chapter or a person presenting or attempting to  
11 use as his own the certificate of registration or the seal  
12 of another or a person who gives false or forged evidence to  
13 the board or department in obtaining a certificate of  
14 registration or a person who falsely impersonates another  
15 registrant or a person who attempts to use an expired, or  
16 revoked, or emeritus certificate of registration or a person  
17 who violates this chapter is guilty of a misdemeanor and  
18 shall on conviction be fined not less than \$100 or more than  
19 \$500 or imprisoned for a period not exceeding 3 months, or  
20 both.

21 (2) All officers of the law of this state or a  
22 political subdivision thereof shall enforce this chapter and  
23 prosecute persons violating it. The attorney general shall  
24 act as legal adviser of the board and render legal  
25 assistance necessary in carrying out this chapter."

1        NEW SECTION. Section 19. Emeritus status. (1) A  
 2 registrant who has terminated his practice of engineering or  
 3 land surveying may apply to the board for emeritus status.

4        (2) Upon receiving an application for emeritus status  
 5 accompanied by the fee established by the board, the board  
 6 shall issue a certificate of emeritus status to the  
 7 applicant and record the applicant's name in the roster as  
 8 an emeritus registrant, along with the date he received  
 9 emeritus status.

10       (3) An emeritus registrant may retain but may not use  
 11 his seal and may not practice engineering or land surveying.

12       (4) The board shall reissue a certificate of  
 13 registration to an emeritus registrant who pays all  
 14 application fees, meets all current requirements for  
 15 registration, and demonstrates to the board's satisfaction  
 16 that for the 2 years preceding his application for  
 17 registration he has met the requirements for maintaining  
 18 professional competence established under 37-67-315.

19       NEW SECTION. Section 20. Extension of authority. Any  
 20 existing authority of the board of professional engineers  
 21 and land surveyors to make rules on the subject of the  
 22 provisions of this act is extended to the provisions of this  
 23 act.

24       NEW SECTION. Section 21. Codification instruction.  
 25 Sections 5 and ~~20~~ 19 are intended to be codified as an

1       integral part of Title 37, chapter 67, and the provisions of  
 2 Title 37, chapter 67, apply to sections 5 and ~~20~~ 19.

-End-



1                   SENATE BILL NO. 323  
 2                   INTRODUCED BY HAGER  
 3           BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS  
 4                   AND LAND SURVEYORS

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
 7 LAWS CONCERNING REGISTRATION AND REGULATION OF PROFESSIONAL  
 8 ENGINEERS AND PROFESSIONAL LAND SURVEYORS; REVISING  
 9 REQUIREMENTS FOR THE PRACTICE OF ENGINEERING AND LAND  
 10 SURVEYING BY PARTNERSHIPS AND CORPORATIONS; AUTHORIZING  
 11 EMERITUS STATUS FOR FORMER REGISTRANTS; AMENDING SECTIONS  
 12 2-15-1873, 37-67-101 THROUGH 37-67-103, 37-67-301,  
 13 37-67-303, 37-67-305, 37-67-308 THROUGH 37-67-311, 37-67-313  
 14 THROUGH 37-67-315, 37-67-318, 37-67-319, 37-67-331, AND  
 15 37-67-332, MCA."

16  
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18       Section 1. Section 2-15-1873, MCA, is amended to read:

19       "2-15-1873. Board of professional engineers and  
 20 PROFESSIONAL land surveyors. (1) There is a board of  
 21 professional engineers and land surveyors.

22       (2) The board consists of nine members appointed by  
 23 the governor with the consent of the senate. The members  
 24 are:

25       (a) five professional engineers who have been engaged

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

7       (b) two registered PROFESSIONAL and practicing land  
 8 surveyors who have been engaged in the practice of land  
 9 surveying for at least 12 years and who have been in  
 10 responsible charge of land surveying or important land  
 11 surveying work for at least 5 years and registered in  
 12 Montana for at least 5 years;

13       (c) two representatives of the public who are not  
 14 engaged in or directly connected with the practice of  
 15 engineering or land surveying.

16       (3) Each member shall be a citizen of the United  
 17 States and a resident of this state. A member, after  
 18 serving three consecutive terms, shall not be reappointed.

19       (4) (a) Each Except as provided in subsection (4)(b),  
 20 each member shall serve for a term of 4 years.

21       (b) The governor may remove a member for misconduct,  
 22 incompetency, neglect of duty, or for any other sufficient  
 23 cause and may shorten the term of one public member so that  
 24 it is not coincident with the term of the other public  
 25 member.



1 (5) The board is allocated to the department for  
2 administrative purposes only as prescribed in 2-15-121."

3 Section 2. Section 37-67-101, MCA, is amended to read:  
4 "37-67-101. Definitions. As used in this chapter, the  
5 following definitions apply:

6 (1) "Board" means the board of professional engineers  
7 and PROFESSIONAL land surveyors provided for in 2-15-1873.

8 (2) "Department" means the department of commerce  
9 provided for in Title 2, chapter 15, part 18.

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

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

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

1 (6) "Practice of engineering" means any service or  
2 creative work the adequate performance of which requires  
3 engineering education, training, and experience in the  
4 application of special knowledge of the mathematical,  
5 physical, and engineering sciences to such services or  
6 creative work as consultation, investigation, evaluation,  
7 planning and design of engineering works and systems,  
8 planning the use of water, teaching of advanced engineering  
9 subjects, engineering surveys, and the inspection of  
10 construction for the purpose of assuring compliance with  
11 drawings and specifications; any of which embraces such  
12 services or work, either public or private, in connection  
13 with any utilities, structures, buildings, machines,  
14 equipment, processes, work systems, projects, and industrial  
15 or consumer products or equipment of mechanical, electrical,  
16 hydraulic, pneumatic, or thermal nature insofar as they  
17 involve safeguarding life, health, or property and including  
18 such other professional services as may be necessary to the  
19 planning, progress, and completion of any engineering  
20 services. The term does not include the work ordinarily  
21 performed by persons who operate or maintain machinery or  
22 equipment, communication lines, ~~signal circuits,~~ electric  
23 powerlines, or pipelines.

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

1 application of SPECIAL knowledge of the principles of  
2 mathematics, 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, and coordinate systems;

9 (d) location of natural and manmade 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 (8) "Professional engineer" means a person who, by  
20 reason of his special knowledge and use of the mathematical,  
21 physical, and engineering sciences and the principles and  
22 methods of engineering analysis and design acquired by  
23 engineering education and engineering experience, is  
24 qualified to practice engineering and who has been duly  
25 registered and licensed as a professional engineer by the

1 board.

2 (9) "Responsible charge" means direct charge and  
3 control and personal supervision either of engineering work  
4 or of land surveying, as the case may be. Only professional  
5 engineers or land surveyors may legally assume responsible  
6 charge under this chapter."

7 Section 3. Section 37-67-102, MCA, is amended to read:

8 "37-67-102. Representation as practitioner to be  
9 construed as practice. (1) A person shall be construed to  
10 practice or offer to practice engineering, within the  
11 meaning and intent of this chapter, who practices any branch  
12 of the profession of engineering or who by verbal claim,  
13 sign, advertisement, letterhead, card, or in any other way  
14 represents himself to be a professional engineer or through  
15 the use of some other title implies that he is a  
16 professional engineer or that he is registered under this  
17 chapter or who holds himself out as able to perform or who  
18 does perform any engineering service or work or any other  
19 service designated by the practitioner which is recognized  
20 as engineering.

21 (2) Any person shall be construed to practice or offer  
22 to practice land surveying, within the meaning and intent of  
23 this chapter, who engages in land surveying or who by verbal  
24 claim, sign, letterhead, card, or in any other way  
25 represents himself to be a professional land surveyor or

1 through the use of some other title implies that he is a  
 2 professional land surveyor or who represents himself as able  
 3 to perform or who does perform any land surveying service or  
 4 work or any other service designated by the practitioner  
 5 which is recognized as land surveying."

6 Section 4. Section 37-67-103, MCA, is amended to read:

7 "37-67-103. Exemptions. The following are exempt from  
 8 coverage under this chapter:

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 (3) the work of an employee or a subordinate of a  
 15 person holding a certificate of registration under this  
 16 chapter or an employee of a person practicing lawfully under  
 17 this chapter, provided such work does not include final  
 18 engineering or land surveying designs or decisions and is  
 19 done under the direct supervision of a person holding a  
 20 certificate of registration under this chapter or a person  
 21 practicing lawfully under this chapter;

22 (4) the practice of professional engineering by  
 23 licensed architects where the practice is purely incidental  
 24 to their practice of architecture;

25 ~~(5) the practice of professional engineering or land~~

1 ~~surveying in this state by a firm, partnership, corporation,~~  
 2 ~~or joint stock association or by its members, officers, or~~  
 3 ~~employees on its behalf, if each person personally~~  
 4 ~~supervising and in direct charge of all activities of the~~  
 5 ~~firm, partnership, corporation, or joint stock association~~  
 6 ~~which constitutes the practice is a professional engineer or~~  
 7 ~~land surveyor holding a certificate of registration under~~  
 8 ~~this chapter."~~

9 NEW SECTION. Section 5. Practice by partnerships and  
 10 corporations. (1) The practice of or offer to practice  
 11 engineering or land surveying by registered professional  
 12 engineers or registered professional land surveyors  
 13 organized as a partnership or incorporated as a professional  
 14 corporation under the provisions of the professional  
 15 corporations law of this state or under the provisions of a  
 16 similar law of any other state is permitted in this state if  
 17 all the partners of the partnership or each officer and  
 18 shareholder of the professional corporation are registered  
 19 under or exempt from this chapter.

20 (2) The practice of or offer to practice engineering  
 21 or land surveying by a partnership other than one provided  
 22 for in subsection (1) or by ~~a corporation, other than a~~  
 23 professional corporation, is permitted in this state if:

24 (a) all officers, employees, and agents of a  
 25 partnership or corporation who will perform the practice of

1 engineering or land surveying within this state for the  
2 partnership or corporation are registered under this  
3 chapter;

4 (b) each person in responsible charge of the  
5 activities of a partnership or corporation, which activities  
6 constitute the practice of engineering or land surveying, is  
7 a professional engineer or professional land surveyor  
8 registered in this state or a person authorized to practice  
9 engineering or land surveying as provided in this chapter;

10 (c) the partnership or corporation has been issued a  
11 certificate of authorization by the board as provided in  
12 subsection (3);

13 (d) the partnership or corporation is jointly and  
14 severally responsible with and for the conduct or acts of  
15 its agents, employees, or officers concerning any  
16 professional engineering or land surveying services  
17 performed or to be executed in this state; an individual  
18 practicing engineering or land surveying is not relieved of  
19 the responsibility for his conduct or acts performed by  
20 reason of his employment by or relationship with the  
21 partnership or corporation; and

22 (e) all final drawings, specifications, plans,  
23 reports, or other engineering or land surveying papers or  
24 documents involving the practice of engineering or land  
25 surveying, when issued, are dated and bear the seals and

1 signatures of the professional engineers or professional  
2 land surveyors registered under this chapter by whom or  
3 under whose responsible charge they were prepared.

4 (3) A partnership or corporation desiring a  
5 certificate of authorization or the renewal thereof shall  
6 file a written application with the board listing the names  
7 and addresses of all partners of the partnership or officers  
8 and directors of the corporation and the names and addresses  
9 of all employees who are registered to practice engineering  
10 or land surveying in this state and who are or will be in  
11 responsible charge of any engineering or land surveying in  
12 this state by the partnership or corporation, together with  
13 any other information the board requires. Upon the receipt  
14 of an application and of a fee in an amount established by  
15 the board for the initial certificate or biennial renewal  
16 thereof, the board shall issue to the partnership or  
17 corporation a certificate of authorization or a renewal  
18 thereof, which certificate of authorization may not be  
19 transferred. If the board finds an error in an application  
20 or that facts exist which would entitle the board to suspend  
21 or revoke a certificate if issued to the applicant, the  
22 board shall deny the application. If a change occurs in the  
23 information submitted on the application of a partnership or  
24 corporation within the term of the authorization, the  
25 partnership or corporation shall file with the board a

1 written report listing the change within 30 days after the  
 2 change occurs. The provisions of this chapter concerning  
 3 issuance, expiration, renewal, and reissuance of  
 4 certificates of registration of individuals, except for  
 5 37-67-315(2), apply to certificates of authorization issued  
 6 to partnerships and corporations under this subsection.  
 7 Partnerships or corporations are subject to disciplinary  
 8 proceedings and penalties and the board may reprimand them  
 9 or revoke, suspend, or refuse to renew their certificates of  
 10 authorization for cause in the same manner and to the same  
 11 extent as provided in 37-67-331. "Registrant" and  
 12 "certificate of registration" in 37-67-331 include any  
 13 partnership or corporation holding a certificate of  
 14 authorization issued under this subsection and to such  
 15 certificate of authorization.

16 Section 6. Section 37-67-301, MCA, is amended to read:

17 "37-67-301. License required to practice or offer to  
 18 practice. In order to safeguard life, health, and property  
 19 and to promote the public welfare, any person in either  
 20 public or private capacity practicing or offering to  
 21 practice engineering or land surveying shall hereafter be  
 22 required to submit evidence that he is qualified so to  
 23 practice and shall be registered as hereinafter provided.  
 24 From and after January 1, 1958, it shall be unlawful for any  
 25 person to practice or to offer to practice in this state

1 engineering or land surveying, as defined in this chapter,  
 2 or to use in connection with his name or otherwise assume,  
 3 use, or advertise any title or description tending to convey  
 4 the impression that he is a professional engineer or a  
 5 professional land surveyor unless such person has been duly  
 6 registered under the provisions of this chapter."

7 Section 7. Section 37-67-303, MCA, is amended to read:

8 "37-67-303. Application -- contents -- fees. (1)  
 9 Applications for registration shall be on forms prescribed  
 10 by the board and furnished by the department, shall contain  
 11 statements made under oath showing the applicant's education  
 12 and a detailed summary of his technical work, and shall  
 13 contain not less than five references, of whom three or more  
 14 shall be professional engineers or professional land  
 15 surveyors having personal knowledge of his engineering or  
 16 land surveying experience.

17 (2) The fee for engineer-in-training is as prescribed  
 18 by the board and shall accompany the application and shall  
 19 include the cost of one examination. No additional fee is  
 20 required for issuance of a certificate.

21 (3) The application fee for registration as a  
 22 professional engineer is as ~~prescribed by the board~~ for  
 23 those holding an engineer-in-training certificate validated  
 24 for Montana. For those holding a valid engineer-in-training  
 25 certificate from some other state, the application fee is as

1 prescribed by the board, which includes cost of verification  
 2 of engineer-in-training certification and one examination.  
 3 Upon approval of application for registration as a  
 4 professional engineer, an additional fee equal to the  
 5 existing renewal fee must be paid before issuance of a  
 6 certificate as a professional engineer.

7 (4) The department, subject to approval by the board,  
 8 may, on approval of the application, payment of a fee as  
 9 prescribed by the board and payment of an additional fee  
 10 equal to the appropriate renewal fee, issue a certificate of  
 11 registration as a professional engineer to a person who  
 12 holds a certificate of qualification or registration issued  
 13 to him by the committee on national engineering  
 14 certification of the national council of engineering  
 15 examiners or by a state, territory, or possession of the  
 16 United States or by another country if the applicant's  
 17 qualifications meet the requirements of this chapter and the  
 18 rules of the board.

19 (5) The fee for land surveyor-in-training is as  
 20 prescribed by the board, which shall accompany the  
 21 application and shall include the cost of one examination.  
 22 No additional fee is required for issuance of a certificate.

23 (6) The application fee for registration as a  
 24 professional land surveyor is as prescribed by the board for  
 25 those holding a land surveyor-in-training certificate

1 validated in Montana. For those holding a valid land  
 2 surveyor-in-training certificate from some other state, the  
 3 application fee is as prescribed by the board, which  
 4 includes cost of verification of the certification. Upon  
 5 approval of application for registration as a professional  
 6 land surveyor, an additional fee equal to the existing  
 7 renewal fee must be paid before issuance of a certificate as  
 8 a professional land surveyor.

9 (7) The application fee for registration as both a  
 10 professional engineer and professional land surveyor is as  
 11 prescribed by the board for those holding  
 12 engineer-in-training and land surveyor-in-training  
 13 certificates validated in Montana. For those holding valid  
 14 engineer-in-training and land surveyor-in-training  
 15 certificates from another state, the application fee is as  
 16 prescribed by the board. The fee shall accompany the  
 17 application. Upon approval of application for registration  
 18 as a professional engineer and professional land surveyor,  
 19 an additional fee equal to the existing renewal fee must be  
 20 paid before issuance of a certificate.

21 (8) If the board denies issuance of a certificate of  
 22 registration to any applicant, the initial fee deposited  
 23 shall be retained as an application fee."

24 ~~Section-8---Section-37-67-3057-MCA7-is-amended-to-read-~~  
 25 ~~"37-67-305---General-qualifications-of--applicants--for~~

1 registration-----as-----professional-----engineer-----or  
 2 engineer-in-training;---To---be---eligible---for---admission---to  
 3 examination-----for-----professional-----engineer-----or  
 4 engineer-in-training;---an---applicant---must---be---able---to  
 5 communicate-in-the-English-language-and-be-of-good-character  
 6 and-reputation---The---applicant---must---submit---five---references  
 7 with-his-application---for---registration---as---a---professional  
 8 engineer;---three---references---shall---be---professional---engineers  
 9 with-personal-knowledge-of-his-engineering-experience;---in  
 10 the---case---of---an---application---for---certification---as---an  
 11 engineer-in-training;---the---applicant---must---submit---three  
 12 character-references."

13 Section 8. Section 37-67-308, MCA, is amended to read:

14 "37-67-308. General qualifications of applicants for  
 15 registration as professional land surveyor or land  
 16 surveyor-in-training. (1) To be eligible for admission to  
 17 examination for professional land surveyor or land  
 18 surveyor-in-training, an applicant must be able--to  
 19 communicate-in-the-English-language-and-be of good character  
 20 and reputation. The applicant shall submit five references  
 21 with his application for registration as a professional land  
 22 surveyor, three of which references shall be registered  
 23 professional land surveyors having personal knowledge of his  
 24 land surveying experience. In the case of an application for  
 25 certification as a land surveyor-in-training, the applicant

1 shall submit three references, one of whom shall be a  
 2 registered professional land surveyor having personal  
 3 knowledge of the applicant's land surveying experience.

4 (2) The evaluation of a land surveyor applicant's  
 5 qualifications involves a consideration of his education,  
 6 technical and land surveying experience, exhibits of land  
 7 surveying projects of with which he has been in--charge  
 8 associated, recommendations by references, and a reviewing  
 9 of these categories. An-interview-may-be-held-at-the-board's  
 10 discretion. A land surveyor-in-training applicant's  
 11 qualifications may be reviewed at an interview if the board  
 12 considers it necessary. Educational--credit--for--institute  
 13 courses;--correspondence--courses;--etc--;--shall-be-determined  
 14 by-the-board. Minimal educational requirements for those  
 15 applicants who intend to use education as evidence of  
 16 qualification must include 40 quarter credit hours in  
 17 surveying techniques and principles and practices of  
 18 surveying curricula prescribed by the board."

19 Section 9. Section 37-67-309, MCA, is amended to read:

20 "37-67-309. Qualifications of applicant for  
 21 registration as professional land surveyor. One of the  
 22 following shall be considered as minimum evidence to the  
 23 board that the applicant is qualified for registration as a  
 24 professional land surveyor:

25 (1) have a bachelor of science degree in an-approved a



1 board-approved curriculum and present evidence satisfactory  
 2 to the board that, in addition thereto, he has had at least  
 3 4 years of combined office and field experience in land  
 4 surveying satisfactory to the board, with a minimum of 3  
 5 years of progressive experience in--charge--of on land  
 6 surveying projects under the direct supervision of a  
 7 registered professional land surveyor, and have passed the  
 8 examinations as required by the board;

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

20 (3) present evidence satisfactory to the board that he  
 21 has had at least 10 years of combined office and field  
 22 experience in land surveying satisfactory to the board, with  
 23 a minimum of 6 years of progressive experience in-charge-of  
 24 on land surveying projects in--Montana, under the direct  
 25 supervision of a registered professional land surveyor, and

1 has passed the examinations as required by the board."

2 Section 10. Section 37-67-310, MCA, is amended to  
 3 read:

4 "37-67-310. Qualifications of applicant for  
 5 registration as land surveyor-in-training. One of the  
 6 following shall be considered as minimum evidence to the  
 7 board that the applicant is qualified for registration as a  
 8 land surveyor-in-training:

9 (1) have a bachelor of science degree in an approved  
 10 curriculum and present evidence satisfactory to the board  
 11 that he has had, in addition thereto, at least 2 years of  
 12 combined office and field experience in land surveying, with  
 13 a minimum of 1 year in charge of land surveying projects  
 14 under the supervision of a professional land surveyor, and  
 15 have passed the written examinations required by the board;

16 (2) have at least 2 years of formal education in an  
 17 approved curriculum above high school level with at least 90  
 18 quarter credit hours or equivalent semester hours passed, or  
 19 the equivalent approved by the board, and present evidence  
 20 satisfactory to the board that, in addition thereto, he has  
 21 had at least 4 years of combined office and field experience  
 22 in land surveying, with a minimum of 2 years in charge of  
 23 land surveying projects under the supervision of a  
 24 professional land surveyor, and have passed the written  
 25 examinations required by the board; or

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

8 Section 11. Section 37-67-311, MCA, is amended to  
9 read:

10 "37-67-311. Examinations. Examination requirements are  
11 as follows:

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

15 (2) Written examinations may be taken only after the  
16 applicant has met the other minimum requirements as given in  
17 37-67-305 through 37-67-310 and has been approved by the  
18 board for admission to the examinations as follows:

19 (a) The examination on engineering fundamentals  
20 consists of an 8-hour examination on the fundamentals of  
21 engineering. Passing the examination qualifies the examinee  
22 for an engineer-in-training certificate provided he has met  
23 all other requirements for certification required by this  
24 chapter.

25 (b) The examination on principles and practice of

1 engineering consists of an 8-hour examination on applied  
2 engineering. Passing this examination qualifies the examinee  
3 for registration as a professional engineer provided he has  
4 met the other requirements for registration required by this  
5 chapter.

6 (c) The examinations for land surveyor-in-training  
7 consist of two 4-hour examinations, designated as parts I  
8 and II, on the basic disciplines of land surveying. Passing  
9 these 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  
12 chapter.

13 (d) The requirements and examinations for professional  
14 land surveyor consist of being a land surveyor-in-training  
15 and of two 4-hour examinations, designated as parts III and  
16 IV, on the applied disciplines of land surveying. Passing  
17 these examinations qualifies the examinee for registration  
18 as a professional land surveyor provided he has met the  
19 other requirements for registration required by this  
20 chapter.

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

1 acquired the necessary additional knowledge to qualify."

2 Section 12. Section 37-67-313, MCA, is amended to  
3 read:

4 "37-67-313. Comity consideration for land surveyors  
5 from other states. A person holding a certificate of  
6 registration ~~or-comparable-qualifications~~ to engage in the  
7 practice of land surveying issued ~~from~~ by a proper authority  
8 of a state, territory, or possession of the United States or  
9 the District of Columbia, based on requirements that do not  
10 conflict with the provisions of this chapter and were of a  
11 standard not lower than that specified in the applicable  
12 registration act in effect in this state at the time the  
13 certificate was issued, will be given comity consideration.  
14 However, he may be asked to meet the conditions for taking  
15 and take such examinations as the board deems necessary to  
16 determine his qualifications; but in any event, he shall be  
17 required to pass a written examination of not less than  
18 8-hours' duration, which shall include questions on laws,  
19 procedures, and practices pertaining to the practice of land  
20 surveying in this state."

21 Section 13. Section 37-67-314, MCA, is amended to  
22 read:

23 "37-67-314. Issuance of certificates -- seal of  
24 professional engineer or professional land surveyor --  
25 enrollment card for trainees. (1) The department shall issue

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

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

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

1 to affix or permit his seal and signature or seal facsimile  
 2 thereof to be affixed to any plans, specifications, plats,  
 3 or drawings, reports, design information, or calculations  
 4 after the expiration of a certificate or for ~~the purpose of~~  
 5 ~~aiding or abetting any other person to evade or attempt to~~  
 6 ~~evade any provision of this chapter~~ projects for which the  
 7 registrant was not in responsible charge.

8 (4) The department shall issue to any applicant who,  
 9 in the opinion of the board, has met the requirements of  
 10 this chapter an enrollment card as engineer-in-training or  
 11 land surveyor-in-training which indicates that his name has  
 12 been 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 professional land surveyor."

16 Section 14. Section 37-67-315, MCA, is amended to  
 17 read:

18 "37-67-315. Biennial renewal -- fee -- verification  
 19 statement of competency. (1) Certificates of registration  
 20 expire every second year on the date established by rule of  
 21 the department and become invalid on that date unless  
 22 renewed. The department shall notify every person registered  
 23 under this chapter of the date of the expiration of his  
 24 certificate and the amount of the fee required for its  
 25 renewal for 2 years. This notice shall be mailed at least 1

1 month in advance of the date of the expiration of the  
 2 certificate. Renewal may be made prior to the expiration  
 3 date by the payment of a fee as set by the board for either  
 4 a professional engineer or professional land surveyor. For  
 5 renewal of a dual license as both a professional engineer  
 6 and professional land surveyor, the fee shall be set by the  
 7 board.

8 (2) No certificate may be renewed unless the  
 9 registrant submits a verified statement to the effect and  
 10 the board is satisfied that he has maintained competency by:

11 (a) the continued practice of engineering or land  
 12 surveying; or

13 (b) engaging in other activities that provide for the  
 14 maintenance of competency as prescribed by board rule.

15 (3) Failure on the part of a registrant to renew his  
 16 certificate biennially prior to the expiration date does not  
 17 deprive him of the right of renewal; however, a registrant  
 18 who fails to pay the renewal fee for an additional year of  
 19 the biennium shall be considered a new applicant and is  
 20 required to submit a new application.

21 (4) The fee for any registrant who fails to renew his  
 22 certificate prior to the ~~expiration date shall be increased~~  
 23 by an amount not to exceed 50% of his renewal fee. Renewal  
 24 may not be completed until all fees are paid."

25 Section 15. Section 37-67-318, MCA, is amended to

1 read:

2 "37-67-318. Roster of licensees to be published by  
3 department. A roster showing the names and addresses of  
4 registered professional engineers and registered  
5 professional land surveyors shall be published by the  
6 department. ~~Copies--of--this-roster-shall-be-mailed-to-each~~  
7 ~~person-registered.~~ Copies shall also be placed on file with  
8 the secretary of state, the clerk of each incorporated city  
9 and town, and in the office of each county clerk and  
10 recorder within the state and furnished to each person  
11 registered and to the public, on request, at a fee  
12 established by the board."

13 Section 16. Section 37-67-319, MCA, is amended to  
14 read:

15 "37-67-319. Temporary permits for nonresident  
16 practitioners. Temporary permits are governed by the  
17 following:

18 (1) Such a permit may be granted for the practice or  
19 offer to practice engineering by a person not a resident of  
20 or having no established place of business in this state,  
21 provided such person is legally qualified by registration to  
22 practice engineering in his own state or country, provided  
23 the requirements for registration in his home state or  
24 country are not less than those defined in this chapter.  
25 Such person shall make application to the board in writing.

1 The application must be accompanied by a fee set by the  
2 board. Upon approval by the board, such person may be  
3 granted a written permit for a definite period of time not  
4 to exceed 1 year to do a specific job; provided, however, no  
5 right to practice engineering shall accrue to such applicant  
6 with respect to any other works not set forth in the permit.

7 (2) The practice of land surveying under a temporary  
8 permit by a person registered as a professional land  
9 surveyor in another state is not considered to be in the  
10 best interests of the public and, therefore, may not be  
11 granted."

12 Section 17. Section 37-67-331, MCA, is amended to  
13 read:

14 "37-67-331. Revocation, suspension, or refusal to  
15 renew certificate -- grounds -- procedure -- reinstatement.  
16 (1) The board may reprimand or revoke, suspend, or refuse to  
17 renew the certificate of a registrant found guilty of:

18 (a) fraud or deceit in obtaining a certificate of  
19 registration;

20 (b) gross negligence, incompetency, or misconduct in  
21 the practice of engineering or land surveying as a  
22 registered professional engineer or professional land  
23 surveyor;

24 (c) a felony;

25 (d) violation of rules for professional conduct for

1 professional engineers and professional land surveyors  
2 adopted by the board;

3 (e) if a professional land surveyor, failure to comply  
4 with the Corner Recordation Act.

5 (2) Any person may make charges of fraud, deceit,  
6 gross negligence, incompetency, or misconduct against a  
7 registrant. The charges shall be made by affidavit and  
8 subscribed and sworn to by the person making them and filed  
9 with the department. The charges shall be investigated by  
10 the board and, unless the board dismisses the charges after  
11 investigation as unfounded or trivial, it shall act on the  
12 charges within 6 months after the date on which the charges  
13 were made. The board is considered to have acted on the  
14 charges if it has given notice by mail to the licensee of  
15 its intent to revoke, suspend, or refuse to renew his  
16 license and the notice contains the facts or conduct which  
17 warrant the intended action. For purposes of investigation  
18 under this section, the board may require that a registrant  
19 meet with it.

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

23 (4) If, after hearing, five or more members of the  
24 board vote in favor of sustaining the charges, the board  
25 shall reprimand, suspend, refuse to renew, or revoke the

1 certificate of registration of the registered professional  
2 engineer or professional land surveyor.

3 (5) The board, for reasons it considers sufficient,  
4 may reissue a certificate of registration to a person whose  
5 certificate has been revoked if five or more members of the  
6 board vote in favor of the reissuance."

7 Section 18. Section 37-67-332, MCA, is amended to  
8 read:

9 "37-67-332. Violations -- penalties -- enforcement.  
10 (1) A person who practices or offers to practice engineering  
11 or land surveying in this state without being registered  
12 under this chapter or a person presenting or attempting to  
13 use as his own the certificate of registration or the seal  
14 of another or a person who gives false or forged evidence to  
15 the board or department in obtaining a certificate of  
16 registration or a person who falsely impersonates another  
17 registrant or a person who attempts to use an expired, or  
18 revoked, or emeritus certificate of registration or a person  
19 who violates this chapter is guilty of a misdemeanor and  
20 shall on conviction be fined not less than \$100 or more than  
21 \$500 or imprisoned for a period not exceeding 3 months, or  
22 both.

23 (2) All officers of the law of this state or a  
24 political subdivision thereof shall enforce this chapter and  
25 prosecute persons violating it. The attorney general shall

1 act as legal adviser of the board and render legal  
2 assistance necessary in carrying out this chapter."

3 NEW SECTION. Section 19. Emeritus status. (1) A  
4 registrant who has terminated his practice of engineering or  
5 land surveying may apply to the board for emeritus status.

6 (2) Upon receiving an application for emeritus status  
7 accompanied by the fee established by the board, the board  
8 shall issue a certificate of emeritus status to the  
9 applicant and record the applicant's name in the roster as  
10 an emeritus registrant, along with the date he received  
11 emeritus status.

12 (3) An emeritus registrant may retain but may not use  
13 his seal and may not practice engineering or land surveying.

14 (4) The board shall reissue a certificate of  
15 registration to an emeritus registrant who pays all  
16 application fees, meets all current requirements for  
17 registration, and demonstrates to the board's satisfaction  
18 that for the 2 years preceding his application for  
19 registration he has met the requirements for maintaining  
20 professional competence established under 37-67-315.

21 NEW SECTION. Section 20. Extension of authority. Any  
22 existing authority of the board of professional engineers  
23 and land surveyors to make rules on the subject of the  
24 provisions of this act is extended to the provisions of this  
25 act.

1 NEW SECTION. Section 21. Codification instruction.  
2 Sections 5 and ~~20~~ 19 are intended to be codified as an  
3 integral part of Title 37, chapter 67, and the provisions of  
4 Title 37, chapter 67, apply to sections 5 and ~~20~~ 19.

-End-

STANDING COMMITTEE REPORT

HOUSE

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SB 323

MR. SPEAKER

We, your committee on BUSINESS AND LABOR

having had under consideration SENATE Bill No. 323

third reading copy (blue color)

GENERAL REVISION OF LAWS REGULATING ENGINEERS AND LAND SURVEYORS

Respectfully report as follows: That SENATE Bill No. 323

BE AMENDED AS FOLLOWS:

- 1. Page 1, line 21  
Following: "and"  
Insert: "professional"
- 2. Page 6, line 5  
Following: "or"  
Insert: "professional"
- 3. Page 16, line 15  
Following: "education"  
Insert: "only"

- 4. Page 16, line 25  
Following: "in"  
Insert: "civil engineering from a school approved by the accreditation board for engineering and technology or a bachelor science degree in"
- 5. Page 17, line 4  
Strike: "satisfactory to the board"
- 6. Page 17, line 5  
Strike: "progressive"
- 7. Page 18, line 9  
Following: "have"  
Insert: "a bachelor of science degree in civil engineering from a school approved by the accreditation board for engineering and technology or"
- 8. Page 29, line 23  
Following: "and"  
Insert: "professional"

KMC SL 369

ACKNASS

Rep. Bob Pavlovich, Chairman

BE CONCURRED IN AS AMENDED

Rep. Bob Pavlovich, Chairman



## 1 SENATE BILL NO. 323

2 INTRODUCED BY HAGER

3 BY REQUEST OF THE BOARD OF PROFESSIONAL ENGINEERS

4 AND LAND SURVEYORS

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
7 LAWS CONCERNING REGISTRATION AND REGULATION OF PROFESSIONAL  
8 ENGINEERS AND PROFESSIONAL LAND SURVEYORS; REVISING  
9 REQUIREMENTS FOR THE PRACTICE OF ENGINEERING AND LAND  
10 SURVEYING BY PARTNERSHIPS AND CORPORATIONS; AUTHORIZING  
11 EMERITUS STATUS FOR FORMER REGISTRANTS; AMENDING SECTIONS  
12 2-15-1873, 37-67-101 THROUGH 37-67-103, 37-67-301,  
13 37-67-303, 37-67-305, 37-67-308 THROUGH 37-67-311, 37-67-313  
14 THROUGH 37-67-315, 37-67-318, 37-67-319, 37-67-331, AND  
15 37-67-332, MCA."

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 2-15-1873, MCA, is amended to read:

19 "2-15-1873. Board of professional engineers and  
20 PROFESSIONAL land surveyors. (1) There is a board of  
21 professional engineers and PROFESSIONAL land surveyors.

22 (2) The board consists of nine members appointed by  
23 the governor with the consent of the senate. The members  
24 are:

25 (a) five professional engineers who have been engaged

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

7 (b) two registered PROFESSIONAL and practicing land  
8 surveyors who have been engaged in the practice of land  
9 surveying for at least 12 years and who have been in  
10 responsible charge of land surveying or important land  
11 surveying work for at least 5 years and registered in  
12 Montana for at least 5 years;

13 (c) two representatives of the public who are not  
14 engaged in or directly connected with the practice of  
15 engineering or land surveying.

16 (3) Each member shall be a citizen of the United  
17 States and a resident of this state. A member, after  
18 serving three consecutive terms, shall not be reappointed.

19 (4) (a) Each Except as provided in subsection (4)(b),  
20 each member shall serve for a term of 4 years.

21 (b) The governor may remove a member for misconduct,  
22 incompetency, neglect of duty, or for any other sufficient  
23 cause and may shorten the term of one public member so that  
24 it is not coincident with the term of the other public  
25 member.

1 (5) The board is allocated to the department for  
2 administrative purposes only as prescribed in 2-15-121."

3 Section 2. Section 37-67-101, MCA, is amended to read:

4 "37-67-101. Definitions. As used in this chapter, the  
5 following definitions apply:

6 (1) "Board" means the board of professional engineers  
7 and PROFESSIONAL land surveyors provided for in 2-15-1873.

8 (2) "Department" means the department of commerce  
9 provided for in Title 2, chapter 15, part 18.

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

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

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

1 (6) "Practice of engineering" means any service or  
2 creative work the adequate performance of which requires  
3 engineering education, training, and experience in the  
4 application of special knowledge of the mathematical,  
5 physical, and engineering sciences to such services or  
6 creative work as consultation, investigation, evaluation,  
7 planning and design of engineering works and systems,  
8 planning the use of water, teaching of advanced engineering  
9 subjects, engineering surveys, and the inspection of  
10 construction for the purpose of assuring compliance with  
11 drawings and specifications; any of which embraces such  
12 services or work, either public or private, in connection  
13 with any utilities, structures, buildings, machines,  
14 equipment, processes, work systems, projects, and industrial  
15 or consumer products or equipment of mechanical, electrical,  
16 hydraulic, pneumatic, or thermal nature insofar as they  
17 involve safeguarding life, health, or property and including  
18 such other professional services as may be necessary to the  
19 planning, progress, and completion of any engineering  
20 services. The term does not include the work ordinarily  
21 performed by persons who operate or maintain machinery or  
22 equipment, communication lines, signal circuits, electric  
23 powerlines, or pipelines.

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

1 application of SPECIAL knowledge of the principles of  
2 mathematics, 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, and coordinate systems;

9 (d) location of natural and manmade 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 (8) "Professional engineer" means a person who, by  
20 reason of his special knowledge and use of the mathematical,  
21 physical, and engineering sciences and the principles and  
22 methods of engineering analysis and design acquired by  
23 engineering education and engineering experience, is  
24 qualified to practice engineering and who has been duly  
25 registered and licensed as a professional engineer by the

1 board.

2 (9) "Responsible charge" means direct charge and  
3 control and personal supervision either of engineering work  
4 or of land surveying, as the case may be. Only professional  
5 engineers or PROFESSIONAL land surveyors may legally assume  
6 responsible charge under this chapter."

7 Section 3. Section 37-67-102, MCA, is amended to read:

8 "37-67-102. Representation as practitioner to be  
9 construed as practice. (1) A person shall be construed to  
10 practice or offer to practice engineering, within the  
11 meaning and intent of this chapter, who practices any branch  
12 of the profession of engineering or who by verbal claim,  
13 sign, advertisement, letterhead, card, or in any other way  
14 represents himself to be a professional engineer or through  
15 the use of some other title implies that he is a  
16 professional engineer or that he is registered under this  
17 chapter or who holds himself out as able to perform or who  
18 does perform any engineering service or work or any other  
19 service designated by the practitioner which is recognized  
20 as engineering.

21 (2) Any person shall be construed to practice or offer  
22 to practice land surveying, within the meaning and intent of  
23 this chapter, who engages in land surveying or who by verbal  
24 claim, sign, letterhead, card, or in any other way  
25 represents himself to be a professional land surveyor or

1 through the use of some other title implies that he is a  
 2 professional land surveyor or who represents himself as able  
 3 to perform or who does perform any land surveying service or  
 4 work or any other service designated by the practitioner  
 5 which is recognized as land surveying."

6 Section 4. Section 37-67-103, MCA, is amended to read:

7 "37-67-103. Exemptions. The following are exempt from  
 8 coverage under this chapter:

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 (3) the work of an employee or a subordinate of a  
 15 person holding a certificate of registration under this  
 16 chapter or an employee of a person practicing lawfully under  
 17 this chapter, provided such work does not include final  
 18 engineering or land surveying designs or decisions and is  
 19 done under the direct supervision of a person holding a  
 20 certificate of registration under this chapter or a person  
 21 practicing lawfully under this chapter;

22 (4) the practice of professional engineering by  
 23 licensed architects where the practice is purely incidental  
 24 to their practice of architecture;

25 ~~(5) the practice of professional engineering or land~~

1 ~~surveying in this state by a firm, partnership, corporation,~~  
 2 ~~or joint stock association or by its members, officers, or~~  
 3 ~~employees on its behalf, if each person personally~~  
 4 ~~supervising and in direct charge of all activities of the~~  
 5 ~~firm, partnership, corporation, or joint stock association~~  
 6 ~~which constitutes the practice is a professional engineer or~~  
 7 ~~land surveyor holding a certificate of registration under~~  
 8 ~~this chapter."~~

9 NEW SECTION. Section 5. Practice by partnerships and  
 10 corporations. (1) The practice of or offer to practice  
 11 engineering or land surveying by registered professional  
 12 engineers or registered professional land surveyors  
 13 organized as a partnership or incorporated as a professional  
 14 corporation under the provisions of the professional  
 15 corporations law of this state or under the provisions of a  
 16 similar law of any other state is permitted in this state if  
 17 all the partners of the partnership or each officer and  
 18 shareholder of the professional corporation are registered  
 19 under or exempt from this chapter.

20 (2) The practice of or offer to practice engineering  
 21 or land surveying by a partnership other than one provided  
 22 for in subsection (1) or by a corporation, other than a  
 23 professional corporation, is permitted in this state if:

24 (a) all officers, employees, and agents of a  
 25 partnership or corporation who will perform the practice of

1 engineering or land surveying within this state for the  
2 partnership or corporation are registered under this  
3 chapter;

4 (b) each person in responsible charge of the  
5 activities of a partnership or corporation, which activities  
6 constitute the practice of engineering or land surveying, is  
7 a professional engineer or professional land surveyor  
8 registered in this state or a person authorized to practice  
9 engineering or land surveying as provided in this chapter;

10 (c) the partnership or corporation has been issued a  
11 certificate of authorization by the board as provided in  
12 subsection (3);

13 (d) the partnership or corporation is jointly and  
14 severally responsible with and for the conduct or acts of  
15 its agents, employees, or officers concerning any  
16 professional engineering or land surveying services  
17 performed or to be executed in this state; an individual  
18 practicing engineering or land surveying is not relieved of  
19 the responsibility for his conduct or acts performed by  
20 reason of his employment by or relationship with the  
21 partnership or corporation; and

22 (e) all final drawings, specifications, plans,  
23 reports, or other engineering or land surveying papers or  
24 documents involving the practice of engineering or land  
25 surveying, when issued, are dated and bear the seals and

1 signatures of the professional engineers or professional  
2 land surveyors registered under this chapter by whom or  
3 under whose responsible charge they were prepared.

4 (3) A partnership or corporation desiring a  
5 certificate of authorization or the renewal thereof shall  
6 file a written application with the board listing the names  
7 and addresses of all partners of the partnership or officers  
8 and directors of the corporation and the names and addresses  
9 of all employees who are registered to practice engineering  
10 or land surveying in this state and who are or will be in  
11 responsible charge of any engineering or land surveying in  
12 this state by the partnership or corporation, together with  
13 any other information the board requires. Upon the receipt  
14 of an application and of a fee in an amount established by  
15 the board for the initial certificate or biennial renewal  
16 thereof, the board shall issue to the partnership or  
17 corporation a certificate of authorization or a renewal  
18 thereof, which certificate of authorization may not be  
19 transferred. If the board finds an error in an application  
20 or that facts exist which would entitle the board to suspend  
21 or revoke a certificate if issued to the applicant, the  
22 board shall deny the application. If a change occurs in the  
23 information submitted on the application of a partnership or  
24 corporation within the term of the authorization, the  
25 partnership or corporation shall file with the board a

1 written report listing the change within 30 days after the  
 2 change occurs. The provisions of this chapter concerning  
 3 issuance, expiration, renewal, and reissuance of  
 4 certificates of registration of individuals, except for  
 5 37-67-315(2), apply to certificates of authorization issued  
 6 to partnerships and corporations under this subsection.  
 7 Partnerships or corporations are subject to disciplinary  
 8 proceedings and penalties and the board may reprimand them  
 9 or revoke, suspend, or refuse to renew their certificates of  
 10 authorization for cause in the same manner and to the same  
 11 extent as provided in 37-67-331. "Registrant" and  
 12 "certificate of registration" in 37-67-331 include any  
 13 partnership or corporation holding a certificate of  
 14 authorization issued under this subsection and to such  
 15 certificate of authorization.

16 Section 6. Section 37-67-301, MCA, is amended to read:

17 "37-67-301. License required to practice or offer to  
 18 practice. In order to safeguard life, health, and property  
 19 and to promote the public welfare, any person in either  
 20 public or private capacity practicing or offering to  
 21 practice engineering or land surveying shall hereafter be  
 22 required to submit evidence that he is qualified so to  
 23 practice and shall be registered as hereinafter provided.  
 24 From and after January 1, 1958, it shall be unlawful for any  
 25 person to practice or to offer to practice in this state

1 engineering or land surveying, as defined in this chapter,  
 2 or to use in connection with his name or otherwise assume,  
 3 use, or advertise any title or description tending to convey  
 4 the impression that he is a professional engineer or a  
 5 professional land surveyor unless such person has been duly  
 6 registered under the provisions of this chapter."

7 Section 7. Section 37-67-303, MCA, is amended to read:

8 "37-67-303. Application -- contents -- fees. (1)  
 9 Applications for registration shall be on forms prescribed  
 10 by the board and furnished by the department, shall contain  
 11 statements made under oath showing the applicant's education  
 12 and a detailed summary of his technical work, and shall  
 13 contain not less than five references, of whom three or more  
 14 shall be professional engineers or professional land  
 15 surveyors having personal knowledge of his engineering or  
 16 land surveying experience.

17 (2) The fee for engineer-in-training is as prescribed  
 18 by the board and shall accompany the application and shall  
 19 include the cost of one examination. No additional fee is  
 20 required for issuance of a certificate.

21 (3) The application fee for registration as a  
 22 professional engineer is as prescribed by the board for  
 23 those holding an engineer-in-training certificate validated  
 24 for Montana. For those holding a valid engineer-in-training  
 25 certificate from some other state, the application fee is as

1 prescribed by the board, which includes cost of verification  
 2 of engineer-in-training certification and one examination.  
 3 Upon approval of application for registration as a  
 4 professional engineer, an additional fee equal to the  
 5 existing renewal fee must be paid before issuance of a  
 6 certificate as a professional engineer.

7 (4) The department, subject to approval by the board,  
 8 may, on approval of the application, payment of a fee as  
 9 prescribed by the board and payment of an additional fee  
 10 equal to the appropriate renewal fee, issue a certificate of  
 11 registration as a professional engineer to a person who  
 12 holds a certificate of qualification or registration issued  
 13 to him by the committee on national engineering  
 14 certification of the national council of engineering  
 15 examiners or by a state, territory, or possession of the  
 16 United States or by another country if the applicant's  
 17 qualifications meet the requirements of this chapter and the  
 18 rules of the board.

19 (5) The fee for land surveyor-in-training is as  
 20 prescribed by the board, which shall accompany the  
 21 application and shall include the cost of one examination.  
 22 No additional fee is required for issuance of a certificate.

23 (6) The application fee for registration as a  
 24 professional land surveyor is as prescribed by the board for  
 25 those holding a land surveyor-in-training certificate

1 validated in Montana. For those holding a valid land  
 2 surveyor-in-training certificate from some other state, the  
 3 application fee is as prescribed by the board, which  
 4 includes cost of verification of the certification. Upon  
 5 approval of application for registration as a professional  
 6 land surveyor, an additional fee equal to the existing  
 7 renewal fee must be paid before issuance of a certificate as  
 8 a professional land surveyor.

9 (7) The application fee for registration as both a  
 10 professional engineer and professional land surveyor is as  
 11 prescribed by the board for those holding  
 12 engineer-in-training and land surveyor-in-training  
 13 certificates validated in Montana. For those holding valid  
 14 engineer-in-training and land surveyor-in-training  
 15 certificates from another state, the application fee is as  
 16 prescribed by the board. The fee shall accompany the  
 17 application. Upon approval of application for registration  
 18 as a professional engineer and professional land surveyor,  
 19 an additional fee equal to the existing renewal fee must be  
 20 paid before issuance of a certificate.

21 (8) If the board denies issuance of a certificate of  
 22 registration to any applicant, the initial fee deposited  
 23 shall be retained as an application fee."

24 ~~Section-8---Section-37-67-305;MCA;is-amended-to-read-~~  
 25 ~~"37-67-305;---General-qualifications-of--applicants--for~~

1 registration-----as-----professional-----engineer-----or  
 2 engineer-in-training---To-be-eligible-for-admission-to  
 3 examination-----for-----professional-----engineer-----or  
 4 engineer-in-training,--an-applicant--must--be--able--to  
 5 communicate-in-the-English-language-and-be-of-good-character  
 6 and-reputation.--The-applicant-must-submit-five-references  
 7 with-his-application-for-registration-as-a-professional  
 8 engineer,--three--references-shall-be-professional-engineers  
 9 with-personal-knowledge-of-his-engineering-experience.--In  
 10 the---case---of--an--application--for--certification--as--an  
 11 engineer-in-training,--the--applicant--must--submit--three  
 12 character-references."

13 Section 8. Section 37-67-308, MCA, is amended to read:

14 "37-67-308. General qualifications of applicants for  
 15 registration as professional land surveyor or land  
 16 surveyor-in-training. (1) To be eligible for admission to  
 17 examination for professional land surveyor or land  
 18 surveyor-in-training, an applicant must be able--to  
 19 communicate-in-the-English-language-and-be of good character  
 20 and reputation. The applicant shall submit five references  
 21 with his application for registration as a professional land  
 22 surveyor, three of which references shall be registered  
 23 professional land surveyors having personal knowledge of his  
 24 land surveying experience. In the case of an application for  
 25 certification as a land surveyor-in-training, the applicant

1 shall submit three references, one of whom shall be a  
 2 registered professional land surveyor having personal  
 3 knowledge of the applicant's land surveying experience.

4 (2) The evaluation of a land surveyor applicant's  
 5 qualifications involves a consideration of his education,  
 6 technical and land surveying experience, exhibits of land  
 7 surveying projects of with which he has been in--charge  
 8 associated, recommendations by references, and a reviewing  
 9 of these categories. An-interview-may-be-held-at-the-board's  
 10 discretion. A land surveyor-in-training applicant's  
 11 qualifications may be reviewed at an interview if the board  
 12 considers it necessary. Educational--credit--for--institute  
 13 courses,--correspondence--courses,--etc,--shall-be-determined  
 14 by-the-board. Minimal educational requirements for those  
 15 applicants who intend to use education ONLY as evidence of  
 16 qualification must include 40 quarter credit hours in  
 17 surveying techniques and principles and practices of  
 18 surveying curricula prescribed by the board."

19 Section 9. Section 37-67-309, MCA, is amended to read:

20 "37-67-309. Qualifications of applicant for  
 21 registration as professional land surveyor. One of the  
 22 following shall be considered as minimum evidence to the  
 23 board that the applicant is qualified for registration as a  
 24 professional land surveyor:

25 (1) have a bachelor of science degree in CIVIL



1 ENGINEERING FROM A SCHOOL APPROVED BY THE ACCREDITATION  
 2 BOARD FOR ENGINEERING AND TECHNOLOGY OR A BACHELOR OF  
 3 SCIENCE DEGREE IN an-approved a board-approved curriculum  
 4 and present evidence satisfactory to the board that, in  
 5 addition thereto, he has had at least 4 years of combined  
 6 office and field experience in land surveying satisfactory  
 7 to--the--board, with a minimum of 3 years of progressive  
 8 experience in-charge-of on land surveying projects under the  
 9 direct supervision of a registered professional land  
 10 surveyor, and have passed the examinations as required by  
 11 the board;

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

23 (3) present evidence satisfactory to the board that he  
 24 has had at least 10 years of combined office and field  
 25 experience in land surveying satisfactory to the board, with

1 a minimum of 6 years of progressive experience in-charge--of  
 2 on land surveying projects in--Montana, under the direct  
 3 supervision of a registered professional land surveyor, and  
 4 has passed the examinations as required by the board."

5 Section 10. Section 37-67-310, MCA, is amended to  
 6 read:

7 "37-67-310. Qualifications of applicant for  
 8 registration as land surveyor-in-training. One of the  
 9 following shall be considered as minimum evidence to the  
 10 board that the applicant is qualified for registration as a  
 11 land surveyor-in-training;

12 (1) have A BACHELOR OF SCIENCE DEGREE IN CIVIL  
 13 ENGINEERING FROM A SCHOOL APPROVED BY THE ACCREDITATION  
 14 BOARD FOR ENGINEERING AND TECHNOLOGY OR a bachelor of  
 15 science degree in an approved curriculum and present  
 16 evidence satisfactory to the board that he has had, in  
 17 addition thereto, at least 2 years of combined office and  
 18 field experience in land surveying, with a minimum of 1 year  
 19 in charge of land surveying projects under the supervision  
 20 of a professional land surveyor, and have passed the written  
 21 examinations required by the board;

22 (2) have at least 2 years of formal education in an  
 23 approved curriculum above high school level with at least 90  
 24 quarter credit hours or equivalent semester hours passed, or  
 25 the equivalent approved by the board, and present evidence

1 satisfactory to the board that, in addition thereto, he has  
 2 had at least 4 years of combined office and field experience  
 3 in land surveying, with a minimum of 2 years in charge of  
 4 land surveying projects under the supervision of a  
 5 professional land surveyor, and have passed the written  
 6 examinations required by the board; or

7 (3) present evidence satisfactory to the board that he  
 8 has had at least 6 years of combined office and field  
 9 experience in land surveying, with a minimum of 4 years of  
 10 experience in charge of land surveying projects in Montana,  
 11 under the supervision of a registered professional land  
 12 surveyor, and has passed the examinations required by the  
 13 board."

14 Section 11. Section 37-67-311, MCA, is amended to  
 15 read:

16 "37-67-311. Examinations. Examination requirements are  
 17 as follows:

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

21 (2) Written examinations may be taken only after the  
 22 applicant has met the other minimum requirements as given in  
 23 37-67-305 through 37-67-310 and has been approved by the  
 24 board for admission to the examinations as follows:

25 (a) The examination on engineering fundamentals

1 consists of an 8-hour examination on the fundamentals of  
 2 engineering. Passing the examination qualifies the examinee  
 3 for an engineer-in-training certificate provided he has met  
 4 all other requirements for certification required by this  
 5 chapter.

6 (b) The examination on principles and practice of  
 7 engineering consists of an 8-hour examination on applied  
 8 engineering. Passing this examination qualifies the examinee  
 9 for registration as a professional engineer provided he has  
 10 met the other requirements for registration required by this  
 11 chapter.

12 (c) The examinations for land surveyor-in-training  
 13 consist of two 4-hour examinations, designated as parts I  
 14 and II, on the basic disciplines of land surveying. Passing  
 15 these examinations qualifies the examinee for a land  
 16 surveyor-in-training certificate provided he has met all  
 17 other requirements for certificates required by this  
 18 chapter.

19 (d) The requirements and examinations for professional  
 20 land surveyor consist of being a land surveyor-in-training  
 21 and of two 4-hour examinations, designated as parts III and  
 22 IV, on the applied disciplines of land surveying. Passing  
 23 these examinations qualifies the examinee for registration  
 24 as a professional land surveyor provided he has met the  
 25 other requirements for registration required by this

1 chapter.

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

8 Section 12. Section 37-67-313, MCA, is amended to  
9 read:

10 "37-67-313. Comity consideration for land surveyors  
11 from other states. A person holding a certificate of  
12 registration ~~or-comparable-qualifications~~ to engage in the  
13 practice of land surveying issued from by a proper authority  
14 of a state, territory, or possession of the United States or  
15 the District of Columbia, based on requirements that do not  
16 conflict with the provisions of this chapter and were of a  
17 standard not lower than that specified in the applicable  
18 registration act in effect in this state at the time the  
19 certificate was issued, will be given comity consideration.  
20 However, he may be asked to meet the conditions for taking  
21 and take such examinations as the board deems necessary to  
22 determine his qualifications; but in any event, he shall be  
23 required to pass a written examination of not less than  
24 8-hours' duration, which shall include questions on laws,  
25 procedures, and practices pertaining to the practice of land

1 surveying in this state."

2 Section 13. Section 37-67-314, MCA, is amended to  
3 read:

4 "37-67-314. Issuance of certificates -- seal of  
5 professional engineer or professional land surveyor --  
6 enrollment card for trainees. (1) The department shall issue  
7 to any applicant who, in the opinion of the board, has met  
8 the requirements of this chapter a certificate of  
9 registration giving the registrant proper authority to  
10 practice his profession and to assume responsible charge of  
11 engineering or land surveying projects in this state. The  
12 certificate of registration for a professional engineer  
13 shall carry the designation "professional engineer" and for  
14 a professional land surveyor, "professional land surveyor".  
15 It shall give the full name of the registrant with his  
16 serial number and shall be signed by the chairman and the  
17 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 professional land surveyor while the certificate of  
22 registration 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 "professional land surveyor".  
 2 Plans, specifications, plats, and drawings, reports, design  
 3 information, and calculations prepared by a registrant shall  
 4 must when issued be certified, signed with a written  
 5 signature, dated, and stamped with the seal or a seal  
 6 facsimile thereof. It ~~shall be~~ is unlawful for a registrant  
 7 to affix or permit his seal and signature or seal facsimile  
 8 thereof to be affixed to any plans, specifications, plats,  
 9 or drawings, reports, design information, or calculations  
 10 after the expiration of a certificate or for ~~the purpose of~~  
 11 ~~aiding or abetting any other person to evade or attempt to~~  
 12 ~~evade any provision of this chapter~~ projects for which the  
 13 registrant was not in responsible charge.

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

22 Section 14. Section 37-67-315, MCA, is amended to  
 23 read:

24 "37-67-315. Biennial renewal -- fee -- verification  
 25 statement of competency. (1) Certificates of registration

1 expire every second year on the date established by rule of  
 2 the department and become invalid on that date unless  
 3 renewed. The department shall notify every person registered  
 4 under this chapter of the date of the expiration of his  
 5 certificate and the amount of the fee required for its  
 6 renewal for 2 years. This notice shall be mailed at least 1  
 7 month in advance of the date of the expiration of the  
 8 certificate. Renewal may be made prior to the expiration  
 9 date by the payment of a fee as set by the board for either  
 10 a professional engineer or professional land surveyor. For  
 11 renewal of a dual license as both a professional engineer  
 12 and professional land surveyor, the fee shall be set by the  
 13 board.

14 (2) No certificate may be renewed unless the  
 15 registrant submits a verified statement to the effect and  
 16 the board is satisfied that he has maintained competency by:

17 (a) the continued practice of engineering or land  
 18 surveying; or

19 (b) engaging in other activities that provide for the  
 20 maintenance of competency as prescribed by board rule.

21 (3) Failure on the part of a registrant to renew his  
 22 certificate biennially prior to the expiration date does not  
 23 deprive him of the right of renewal; however, a registrant  
 24 who fails to pay the renewal fee for an additional year of  
 25 the biennium shall be considered a new applicant and is

1 required to submit a new application.

2 (4) The fee for any registrant who fails to renew his  
3 certificate prior to the expiration date shall be increased  
4 by an amount not to exceed 50% of his renewal fee. Renewal  
5 may not be completed until all fees are paid."

6 Section 15. Section 37-67-318, MCA, is amended to  
7 read:

8 "37-67-318. Roster of licensees to be published by  
9 department. A roster showing the names and addresses of  
10 registered professional engineers and registered  
11 professional land surveyors shall be published by the  
12 department. ~~Copies--of--this-roster-shall-be-mailed-to-each~~  
13 ~~person-registered.~~ Copies shall also be placed on file with  
14 the secretary of state, the clerk of each incorporated city  
15 and town, and in the office of each county clerk and  
16 recorder within the state and furnished to each person  
17 registered and to the public, on request, at a fee  
18 established by the board."

19 Section 16. Section 37-67-319, MCA, is amended to  
20 read:

21 "37-67-319. Temporary permits for nonresident  
22 practitioners. Temporary permits are governed by the  
23 following:

24 (1) Such a permit may be granted for the practice or  
25 offer to practice engineering by a person not a resident of

1 or having no established place of business in this state,  
2 provided such person is legally qualified by registration to  
3 practice engineering in his own state or country, provided  
4 the requirements for registration in his home state or  
5 country are not less than those defined in this chapter.  
6 Such person shall make application to the board in writing.  
7 The application must be accompanied by a fee set by the  
8 board. Upon approval by the board, such person may be  
9 granted a written permit for a definite period of time not  
10 to exceed 1 year to do a specific job; provided, however, no  
11 right to practice engineering shall accrue to such applicant  
12 with respect to any other works not set forth in the permit.

13 (2) The practice of land surveying under a temporary  
14 permit by a person registered as a professional land  
15 surveyor in another state is not considered to be in the  
16 best interests of the public and, therefore, may not be  
17 granted."

18 Section 17. Section 37-67-331, MCA, is amended to  
19 read:

20 "37-67-331. Revocation, suspension, or refusal to  
21 renew certificate -- grounds -- procedure -- reinstatement.

22 (1) The board may reprimand or revoke, suspend, or refuse to  
23 renew the certificate of a registrant found guilty of:

24 (a) fraud or deceit in obtaining a certificate of  
25 registration;

1 (b) gross negligence, incompetency, or misconduct in  
2 the practice of engineering or land surveying as a  
3 registered professional engineer or professional land  
4 surveyor;

5 (c) a felony;

6 (d) violation of rules for professional conduct for  
7 professional engineers and professional land surveyors  
8 adopted by the board;

9 (e) if a professional land surveyor, failure to comply  
10 with the Corner Recordation Act.

11 (2) Any person may make charges of fraud, deceit,  
12 gross negligence, incompetency, or misconduct against a  
13 registrant. The charges shall be made by affidavit and  
14 subscribed and sworn to by the person making them and filed  
15 with the department. The charges shall be investigated by  
16 the board and, unless the board dismisses the charges after  
17 investigation as unfounded or trivial, it shall act on the  
18 charges within 6 months after the date on which the charges  
19 were made. The board is considered to have acted on the  
20 charges if it has given notice by mail to the licensee of  
21 its intent to revoke, suspend, or refuse to renew his  
22 license and the notice contains the facts or conduct which  
23 warrant the intended action. For purposes of investigation  
24 under this section, the board may require that a registrant  
25 meet with it.

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

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

9 (5) The board, for reasons it considers sufficient,  
10 may reissue a certificate of registration to a person whose  
11 certificate has been revoked if five or more members of the  
12 board vote in favor of the reissuance."

13 Section 18. Section 37-67-332, MCA, is amended to  
14 read:

15 "37-67-332. Violations -- penalties -- enforcement.

16 (1) A person who practices or offers to practice engineering  
17 or land surveying in this state without being registered  
18 under this chapter or a person presenting or attempting to  
19 use as his own the certificate of registration or the seal  
20 of another or a person who gives false or forged evidence to  
21 the board or department in obtaining a certificate of  
22 registration or a person who falsely impersonates another  
23 registrant or a person who attempts to use an expired, or  
24 revoked, or emeritus certificate of registration or a person  
25 who violates this chapter is guilty of a misdemeanor and

1 shall on conviction be fined not less than \$100 or more than  
 2 \$500 or imprisoned for a period not exceeding 3 months, or  
 3 both.

4 (2) All officers of the law of this state or a  
 5 political subdivision thereof shall enforce this chapter and  
 6 prosecute persons violating it. The attorney general shall  
 7 act as legal adviser of the board and render legal  
 8 assistance necessary in carrying out this chapter."

9 NEW SECTION. Section 19. Emeritus status. (1) A  
 10 registrant who has terminated his practice of engineering or  
 11 land surveying may apply to the board for emeritus status.

12 (2) Upon receiving an application for emeritus status  
 13 accompanied by the fee established by the board, the board  
 14 shall issue a certificate of emeritus status to the  
 15 applicant and record the applicant's name in the roster as  
 16 an emeritus registrant, along with the date he received  
 17 emeritus status.

18 (3) An emeritus registrant may retain but may not use  
 19 his seal and may not practice engineering or land surveying.

20 (4) The board shall reissue a certificate of  
 21 registration to an emeritus registrant who pays all  
 22 application fees, meets all current requirements for  
 23 registration, and demonstrates to the board's satisfaction  
 24 that for the 2 years preceding his application for  
 25 registration he has met the requirements for maintaining

1 professional competence established under 37-67-315.

2 NEW SECTION. Section 20. Extension of authority. Any  
 3 existing authority of the board of professional engineers  
 4 and PROFESSIONAL land surveyors to make rules on the subject  
 5 of the provisions of this act is extended to the provisions  
 6 of this act.

7 NEW SECTION. Section 21. Codification instruction.  
 8 Sections 5 and ~~20~~ 19 are intended to be codified as an  
 9 integral part of Title 37, chapter 67, and the provisions of  
 10 Title 37, chapter 67, apply to sections 5 and ~~20~~ 19.

-End-