

**WORKING DRAFT**

SENATE FILE NO. \_\_\_\_\_

Engineers and land surveyors-amendments.

Sponsored by: SDRAFT

A BILL

for

1 AN ACT relating to engineers and land surveyors; amending  
2 provisions relating to licensure of engineers and land  
3 surveyors; providing for electronic filings; making  
4 conforming amendments; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8       **Section 1.** W.S. 33-29-114(a)(i), (iv), (vi), (viii)  
9 and (ix), 33-29-115(a)(intro), (c), 33-29-116(b),  
10 33-29-119(c)(i) through (iii), (ix) and (x), (d) through  
11 (h), by creating a new subsection (j), 33-29-120(a), (c),  
12 33-29-121, 33-29-124, 33-29-125(a)(intro), (ii) through  
13 (iii), (b)(intro), (iii), (v), 33-29-126(a)(ii) through  
14 (iv), (b)(ii) through (iv), (c)(ii) and (iii), (d),  
15 33-29-127(a) and (b), 33-29-128(a)(intro), 33-29-129,

1 33-29-130, 33-29-131, 33-29-132(a)(i) and (ii), (iv),  
2 (b)(intro), (ii)(A), (iv) and (v), (vii), (c) through (e),  
3 33-29-134(a) through (e), 33-29-135, 33-29-136(a)(ii) and  
4 (iii), 33-29-137(a)(i) through (iv), 33-29-138,  
5 33-29-139(a)(intro) and by creating a new paragraph (x),  
6 (b), (c)(intro), by renumbering (c)(iii) as (d), by  
7 renumbering (d) as (e) and 33-29-141(a)(viii) and (ix) are  
8 amended to read:

9

10 **33-29-114. Definitions.**

11

12 (a) As used in this act:

13

14 (i) "Board" means the ~~state~~ Wyoming board of  
15 ~~registration for~~ professional engineers and professional  
16 land surveyors;

17

18 (ii) "Engineer" means a person who, by reason of  
19 special knowledge of the mathematical and physical sciences  
20 and the principles and methods of engineering analysis and  
21 design, acquired by professional education and practical  
22 experience, is qualified to practice engineering as  
23 attested by his ~~registration~~ licensure as a professional  
24 engineer;

1

2 (iv) ~~"Engineer-in-training"~~ "Engineer intern"3 means a candidate for ~~registration~~licensure as a

4 professional engineer who is a graduate in an approved

5 engineering curriculum of four (4) or more years at a

6 school approved by the board **or, until June 30, 1991, who**7 **has eight (8) years or more of education or experience in**8 **engineering work which meets the standards specified by the**9 **board.** In addition the candidate shall have passed the10 ~~engineer-in-training~~ fundamentals of engineering

11 examination;

12 **\*\*\* STAFF COMMENTS \*\*\***13 **The bold language was reinserted in response to**  
14 **the Committee's motion reinserting language under**  
15 **paragraph (vi) below and the general direction to**  
16 **LSO staff to conform other provisions to that**  
17 **motion.**

18

19

20 (v) "Land surveyor" means a person who by reason

21 of his knowledge of the mathematical and physical sciences,

22 principles of land surveying and evidence gathering

23 acquired by professional education and practical experience

24 is qualified to practice land surveying as attested by his

25 ~~registration~~licensure as land surveyor;

26

1 (vi) ~~"Land surveyor-in-training"~~ "Land surveyor  
 2 intern" means a candidate for ~~registration~~ licensure as a  
 3 professional land surveyor who is a graduate of a school  
 4 and curriculum approved by the board, **or who has six (6) to**  
 5 **eight (8) years or more of education or experience, or**  
 6 **both,** in land surveying work in a combination which meets  
 7 standards specified by the board. In addition, the  
 8 candidate shall have passed the ~~land surveyor-in-training~~  
 9 fundamentals of land surveying examination;

10 **\*\*\* STAFF COMMENTS \*\*\***  
 11 **The bold language above was reinserted by**  
 12 **Committee action at the last meeting. As**  
 13 **proposed by the Board at that meeting the person**  
 14 **would have to had graduated and have experience**  
 15 **which meets the Board standards.**  
 16

17 (viii) ~~"Registrant"~~ "Licensee" means any person  
 18 ~~registered~~ licensed with the board under this act;

19  
 20 (ix) "This act" means W.S. 33-29-114 through ~~33-~~  
 21 ~~29-139-~~ 33-29-149.

22  
 23 **33-29-115. Creation of board.**

24  
 25 (a) The ~~state~~ Wyoming board of ~~registration~~ for  
 26 professional engineers and professional land surveyors is  
 27 created to consist of six (6) members appointed by the

1 governor for a term of four (4) years plus the state  
2 engineer who shall serve during his term in office. The  
3 board shall be composed of:

4  
5 (c) The governor may remove a member of the board as  
6 provided in W.S. 9-1-202. Appointment to fill a vacancy  
7 caused other than by expiration of term shall be for the  
8 unexpired portion of the term. ~~The governor shall appoint  
9 by July 1, 1987, the professional land surveyor member of  
10 the board to take office July 1, 1987, and to serve until  
11 March 31, 1991, and the public member of the board to take  
12 office on July 1, 1987, and to serve until March 31, 1989.  
13 Members of the board under the former provisions of W.S.  
14 33-29-101 [repealed] shall continue as members of the board  
15 under this section until expiration of their terms.~~

16  
17 **33-29-116. Qualifications of board members.**

18  
19 (b) Each member who is an engineer or land surveyor  
20 shall have had at least ten (10) years active professional  
21 experience as a professional engineer or land surveyor as  
22 attested by ~~registration~~ licensure under this ~~chapter~~ act.

23  
24 **33-29-119. Powers and duties of board.**

1

2 (c) Powers and duties of the board include the  
3 following:

4

5 (i) Adopt an official seal for attestation of  
6 ~~certificates of registration~~ licensure and other official  
7 papers and documents;

8

9 (ii) Consider and pass upon applications for  
10 ~~registration~~ licensure;

11

12 (iii) Examine, certify, renew and recertify for  
13 ~~registration~~ licensure of duly qualified individuals;

14

15 (ix) Keep a register which shall show the date  
16 of each application for ~~registration~~ licensure, the name of  
17 the applicant, the practice or branch of practice in which  
18 the applicant has applied for ~~registration~~ licensure and  
19 the disposition of the application;

20

21 (x) Determine and collect reasonable  
22 ~~registration~~ licensure and renewal fees ~~not to exceed two~~  
23 ~~hundred dollars (\$200.00) each~~ as established by the rules  
24 and regulations of the board;

1

2 (d) The board shall specify on the certificate of  
3 ~~registration~~ licensure and renewal card issued to each  
4 ~~registered~~ licensed engineer the branch of engineering in  
5 which the engineer has demonstrated proficiency and  
6 authorize him to use the title of ~~registered~~ licensed  
7 professional engineer. The board shall decide what  
8 branches of engineering shall be recognized.

9

10 (e) The board may hold membership in and be  
11 represented at national councils or organizations of  
12 professions ~~registered~~ licensed under this act and may pay  
13 the appropriate membership fees. The board may conduct  
14 standard examinations on behalf of national councils and  
15 may establish fees for those examinations.

16

17 (f) The board may employ persons as it deems  
18 necessary to administer and enforce this act including  
19 persons paid on a fee basis to prepare and grade  
20 examinations given to applicants for ~~registration~~ licensure  
21 and to fix the fee to be paid for the services. The  
22 employees are authorized to prepare, grade and monitor  
23 examinations and perform other services the board  
24 authorizes and receive payment therefor.

1

2 (g) The board may adopt a nationally recognized code  
3 of ethics for the practice of engineering and land  
4 surveying for ~~registrants~~ licensees.

5

6 (h) The board may require evidence it deems necessary  
7 to establish the continuing competency of ~~registrants~~  
8 licensees as a condition of renewal of licenses.

9

10 **33-29-120. Petition for injunction.**

11

12 (a) The district court shall issue an injunction  
13 forthwith upon a petition filed as provided in this section  
14 to enjoin the practice of engineering or land surveying by  
15 any person not ~~registered~~ licensed to practice those  
16 occupations or who is not exempt under this act from  
17 ~~registration~~ licensure requirements.

18

19 (c) In a petition for injunction pursuant to  
20 subsection (a) of this section, it shall be sufficient to  
21 charge that the respondent on a day certain in a named  
22 county engaged in the practice of engineering or land  
23 surveying without a ~~registration~~ license and without being  
24 exempt under this act from ~~registration~~ licensure



1 requirements. No showing of actual damage or injury shall  
2 be required.

3

4 **33-29-121. Annual report of board; filing copies of**  
5 **lists of licensees.**

6

7 In October of each year the board shall make a report to  
8 the governor which shall be accompanied by a copy of the  
9 list of ~~registrants~~ licensees. A copy of the list shall  
10 also be filed with the secretary of state and with the  
11 clerk of each county.

12

13 **33-29-124. License required for the practice of**  
14 **engineering or land surveying.**

15

16 (a) A person desiring to practice the profession of  
17 engineering or land surveying shall ~~first secure a~~  
18 ~~certificate of registration and shall comply with all~~  
19 ~~conditions prescribed in this act.~~ be required to:

20

21 (i) Submit evidence to the board showing that  
22 the person is qualified to practice the profession of  
23 engineering or land surveying; and

24

1           (ii) Be licensed as provided by this act and by  
2 rule and regulation of the board.

3  
4           **33-29-125. Qualifications for intern licensure.**

5  
6           (a) An applicant for ~~in-training registration~~  
7 licensure as an engineer intern shall:

8  
9           (ii) ~~Have a bachelor degree in~~ Be a graduate of  
10 an engineering curriculum of four (4) years or more  
11 accredited by the engineering accreditation commission of  
12 the accreditation board for engineering and technology or  
13 have an educational background that would be approved by  
14 the board as the equivalent to that accredited curriculum  
15 for a bachelor's degree; or

16  
17           (iii) **Have eight (8) years or more of education**  
18 **or experience, or both, in engineering work of a character**  
19 **satisfactory to the board. This paragraph is repealed June**  
20 **30, 1991; and**

21                           **\*\*\* STAFF COMMENTS \*\*\***

22           The bold language above was reinserted per the  
23 Committee action at the last meeting. Note that  
24 the paragraph was repealed June 30, 1991. If the  
25 Committee's intent is to reinsert all provisions  
26 for experience in lieu of education

1           **qualifications, new language should be adopted**  
2           **without the last sentence.**  
3

4           (iv) Unless exempt under W.S. 33-29-130(c), pass  
5 the ~~engineer-in-training~~ fundamentals of engineering  
6 examination.

7  
8           (b) An applicant for ~~in-training~~ registration  
9 licensure as a land surveyor intern shall:

10  
11           (i) Be of good moral character and repute; and  
12 either

13  
14           (iii) Have an associate degree in a surveying  
15 technology curriculum approved by the board plus four (4)  
16 years of combined office and field experience in land  
17 surveying, of which two (2) years shall have been in charge  
18 of land surveying projects under the supervision of a  
19 ~~registered~~ licensed land surveyor; **or**

20  
21           (iv) **Have eight (8) years of combined office and**  
22 **field experience in land surveying, of which two (2) years**  
23 **shall have been in charge of land surveying projects under**  
24 **the supervision of a registered land surveyor. This**  
25 **paragraph is repealed June 30, 1991;**

1                                   **\*\*\* STAFF COMMENTS \*\*\***

2           **Same comment.**

3

4                   (v) Unless exempt under W.S. 33-29-130(c), pass  
5 the ~~land surveyor in training~~ fundamentals of land  
6 surveying examination.

7

8           **33-29-126. Qualifications for professional licensure.**

9

10           (a) An applicant for professional ~~registration~~  
11 licensure as an engineer shall:

12

13                   (ii) ~~Be registered as~~ Meet all the  
14 qualifications for ~~an engineer in training~~ an engineering  
15 intern;

16

17                   (iii) ~~Be actively engaged in education or~~  
18 ~~experience, or both, in professional engineering~~  
19 ~~satisfactory to the board for~~ Have a specific record of at  
20 least ~~an additional~~ four (4) years ~~beyond that required for~~  
21 ~~registration as an engineer in training~~ of progressively  
22 responsible experience following the completion of the  
23 degree specified in W.S. 33-29-125(a)(ii) on engineering  
24 projects of a grade and character which indicates to the

1 board that the applicant is competent in the practice of  
2 engineering;

3

4 (iv) Unless exempt under W.S. 33-29-130, pass  
5 the ~~in-training~~ fundamentals and professional examinations  
6 in the discipline in which ~~registration~~ licensure is  
7 sought.

8

9 (b) An applicant for professional ~~registration~~  
10 licensure as a land surveyor shall:

11

12 (ii) Be ~~registered~~ licensed as a land  
13 ~~surveyor-in-training~~ surveyor intern;

14

15 (iii) Be actively engaged in education and  
16 experience, satisfactory to the board, in professional land  
17 surveying, for at least an additional four (4) years beyond  
18 that required for ~~registration~~ licensure as a land  
19 ~~surveyor-in-training~~ surveyor intern; and

20

21 (iv) Unless exempt under W.S. 33-29-130, pass  
22 the ~~in-training~~ fundamentals and professional examinations.

23

1           (c) In computing the period of active engagement  
2 required under this section:

3

4           (ii) Study satisfactorily completed in a  
5 graduate level land surveying curriculum and school  
6 approved by the board is considered equivalent to a maximum  
7 of one (1) year of active engagement. Each year of  
8 full-time employment teaching land surveying or other  
9 courses approved by the board as pertinent to the  
10 profession in which ~~registration~~ licensure is sought in a  
11 school approved by the board is equivalent to one (1) year  
12 of active engagement;

13

14           (iii) Each year of experience shall be of a  
15 professional nature under the supervision of a ~~registered~~  
16 licensed professional engineer or land surveyor, as  
17 appropriate, and of a character satisfactory to the board.

18

19           (d) Experience credited by the board under this  
20 section and W.S. 33-29-124, 33-29-125 and 33-29-130 shall  
21 be attained under the direct supervision of a professional  
22 who is satisfactory to the board and ~~registered~~ licensed in  
23 this state, another state or foreign country in the

1 profession in which the applicant is seeking ~~registration~~  
2 licensure.

3

4 **33-29-127. Application for licensure.**

5

6 (a) A person desiring to practice engineering or land  
7 surveying shall apply for ~~registration~~ licensure on a form  
8 prescribed by the board, subscribed under oath and  
9 accompanied by the application fee. If the evidence  
10 submitted satisfies the board that the applicant is fully  
11 qualified under W.S. 33-29-126 or 33-29-130 to practice the  
12 profession for which ~~registration~~ licensure is asked, the  
13 applicant shall be given a certificate of ~~registration~~  
14 licensure, signed by the president and secretary of the  
15 board and attested by the official seal.

16

17 (b) If in the judgment of the board the applicant has  
18 not furnished satisfactory evidence of qualifications for  
19 ~~registration~~ licensure under W.S. 33-29-126 or 33-29-130  
20 the board may require additional data, or may require the  
21 applicant to submit to an additional oral or written  
22 examination specified by the board in its rules and  
23 regulations.

24

1           **33-29-128. Fees.**

2

3           (a) The board shall publish in its rules a schedule  
4 of fees for applications, examinations and other  
5 miscellaneous services ~~not to exceed the following:~~ in  
6 accordance with W.S. 33-1-201.

7

8           **33-29-129. Seals for licensees.**

9

10          (a) The board shall adopt and prescribe seals for use  
11 of ~~registrants~~ licensees who hold valid ~~certificates~~  
12 licenses. Each seal shall bear the name of the ~~registrant~~  
13 licensee, shall state the profession in which he is  
14 permitted to practice and, in the case of engineering, the  
15 branch or branches of engineering in which he has  
16 demonstrated proficiency, and other data the board deems  
17 pertinent.

18

19          (b) Nonelectronic plans, specifications, plats or  
20 reports prepared by a ~~registrant~~ licensee or his bona fide  
21 employee shall be issued under his seal, with the signature  
22 of the licensee and the date signed superimposed over the  
23 seal.

24



1 (c) It is unlawful for a ~~registrant~~ licensee whose  
2 ~~certificate~~ license has expired or has been revoked or  
3 suspended to use the seal, or for a ~~registrant~~ licensee to  
4 sign, stamp or seal any document not prepared by him or by  
5 an employee under his supervision.

6  
7 (d) It is unlawful for any ~~nonregistrant~~ nonlicensee  
8 to cause or permit the illegal use of a ~~registrant's~~  
9 licensee's seal, signature or stamp on any document  
10 prepared by the ~~nonregistrant~~ nonlicensee.

11  
12 **33-29-130. Licensure without examination.**

13  
14 (a) The board may ~~register~~ license without  
15 examination an applicant for professional engineer who  
16 holds a valid ~~certificate of registration~~ license issued by  
17 another state or foreign country which has or had  
18 requirements for ~~registration~~ licensure ~~substantially~~  
19 ~~similar to~~ equal to or more stringent than those of this  
20 state when the license was granted.

21  
22 (b) An applicant for professional ~~registration~~  
23 licensure as a land surveyor who satisfies ~~any one (1) of~~  
24 the requirements of subsection (a) of this section shall

1 pass the part of the professional land surveyor examination  
2 relating to the surveying methods and legal principles in  
3 this state as prescribed by the board in its rules.

4  
5 (c) The board may exempt an applicant from the  
6 ~~in-training~~ fundamentals examination if he is a graduate of  
7 a school and curriculum approved by the board and has been  
8 actively engaged in experience in the profession for which  
9 ~~registration~~ licensure is sought for at least twenty (20)  
10 years after graduation.

11  
12 **33-29-131. Renewal of licenses; fees and penalties.**

13  
14 (a) The board may establish a staggered system for  
15 renewing ~~certificates of registration~~ licenses on a  
16 biennial basis.

17  
18 (b) ~~Certificates of registration~~ Licenses are invalid  
19 after their expiration date unless renewed by payment of  
20 the required renewal fee. If the renewal fee is not paid  
21 prior to the expiration date, it shall be accompanied by a  
22 penalty fee established by the board based on the period of  
23 delinquency. ~~but the total fee shall not exceed the amount~~  
24 ~~of the registration fee.~~

1

2 (c) The board may cancel ~~a certificate of~~  
3 ~~registration~~ license if it has remained invalid for two (2)  
4 years and require a new application, accompanied by the  
5 application fee for ~~reregistration~~ relicensure.

6

7 (d) The board shall establish the biennial renewal  
8 fee ~~for each certificate issued pursuant to this act which~~  
9 ~~shall not exceed two hundred dollars (\$200.00)~~ pursuant to  
10 W.S. 33-1-201.

11

12 **33-29-132. Revocation of license; censure; probation;**  
13 **hearing; notice of findings; appeal.**

14

15 (a) The board may take the following disciplinary  
16 actions, in combination or alternatively:

17

18 (i) Revocation of a ~~certificate of registration~~  
19 license or certificate of authority;

20

21 (ii) Suspension of a ~~certificate of registration~~  
22 license or certificate of authority;

23

1           (iv) Imposition of restrictions on the scope of  
2 the ~~registrant's~~ licensee's professional practice;

3  
4           (b) The board may take disciplinary action against  
5 the holder of a ~~certificate~~ license under this act, upon  
6 proof satisfactory to the board that the person:

7  
8           (ii) Has practiced fraud or misrepresentation:

9  
10                   (A) In obtaining a ~~certificate~~ of  
11 ~~qualification~~ license, whether in the application or  
12 qualification examination;

13  
14                   (C) In signing any document as a ~~registered~~  
15 licensed professional.

16  
17  
18           (iv) Has aided or abetted another to evade or  
19 violate this act or knowingly combining or conspiring with  
20 an ~~unregistered~~ unlicensed person, or allowing one's  
21 ~~registration~~ license to be used by an ~~unregistered~~  
22 unlicensed person or acting as agent, partner, associate or  
23 otherwise, for an ~~unregistered~~ unlicensed person with  
24 intent to evade or violate this act;

1

2 (v) Has had a license to practice engineering or  
3 land surveying in another jurisdiction, territory or  
4 possession of the United States denied, revoked, suspended,  
5 ~~or otherwise~~ restricted or otherwise acted against other  
6 than by reason of failure to renew or meet education  
7 requirements;

8

9 (vii) Has knowingly engaged in an act which the  
10 ~~registrant~~ licensee knew was beyond the scope of his  
11 professional practice as evidenced by limitations on the  
12 ~~registrant's~~ licensee's right to practice, or insufficient  
13 education and knowledge, or inability to apply engineering  
14 or land surveying principles and skills;

15

16 (c) Upon reasonable grounds to believe that a person  
17 under the board's authority has committed acts in violation  
18 of this act, the board may conduct investigations, hearings  
19 and proceedings to determine whether a disciplinary action  
20 should be taken against the holder of a ~~certificate~~ license  
21 under this act. The board may issue subpoenas for the  
22 attendance of witnesses and the production of books,  
23 records, documents and other evidence it deems relevant to  
24 an investigation or hearing. A disciplinary action may be

1 informally settled by the board and the holder of a  
2 ~~certificate~~ license under this act who is the subject of  
3 the action either before or after initiation of hearing  
4 proceedings.

5

6 (d) The accused may appear personally or be  
7 represented by his attorney at the hearing and present  
8 witnesses and evidence in his defense and ~~he~~ may  
9 cross-examine witnesses against him.

10

11 (e) The board shall immediately notify the clerk of  
12 each county in the state and the secretary of state, in the  
13 case of a ~~corporation or firm~~ business entity, of the  
14 suspension or revocation of a ~~certificate~~ license or of the  
15 reissuance of a suspended or revoked ~~certificate~~ license.

16

17 **33-29-134. Practice by business entities.**

18

19 (a) The practice of or offer to practice professional  
20 engineering or professional land surveying by individual  
21 ~~registered~~ licensed professional engineers or individual  
22 ~~registered~~ licensed professional land surveyors, through a  
23 ~~corporation, or by a corporation~~ business entity through  
24 individual ~~registered~~ licensed professional engineers or

1 individual ~~registered~~ licensed professional land surveyors,  
2 as employees or officers, is permitted subject to the  
3 provisions of this act. All personnel of the ~~corporation~~  
4 business entity who act in its behalf as professional  
5 engineers or professional land surveyors in this state ~~must~~  
6 shall be ~~registered~~ licensed as provided by this act, or be  
7 persons lawfully practicing under the exceptions enumerated  
8 in W.S. 33-29-136. The ~~corporation~~ business entity, except  
9 utilities regulated by the Wyoming public service  
10 commission, shall apply for and be issued a certificate of  
11 authorization by the board as provided by this act. No  
12 ~~corporation~~ business entity shall be relieved of  
13 responsibility for the conduct or acts of its employees or  
14 officers by reason of its compliance with this act, nor  
15 shall any individual practicing professional engineering or  
16 professional land surveying be relieved of responsibility  
17 for engineering or land surveying services performed by  
18 reason of his employment or relationship with the  
19 ~~corporation~~ business entity. All final drawings,  
20 specifications, plats, reports, or other engineering or  
21 land surveying papers or documents involving the practice  
22 of professional engineering or professional land surveying,  
23 which are prepared or approved for the use of or for  
24 delivery to any person or for public record within this

1 state shall be dated and bear the signature and seal of the  
2 professional engineer or professional land surveyor who  
3 prepared or approved them.

4

5 (b) A ~~corporation~~ business entity desiring a  
6 certificate of authorization for engineering, for land  
7 surveying, or for both, shall file with the board a  
8 description of the engineering or land surveying service to  
9 be offered or practiced in the state, upon an application  
10 form prescribed by the board and the designation required  
11 by subsection (c) of this section accompanied by the  
12 application fee.

13

14 (c) The ~~corporation~~ business entity shall file with  
15 the board a designation of an individual or individuals  
16 duly ~~registered and certified~~ licensed to practice  
17 professional engineering or professional land surveying in  
18 the state who are responsible for or in charge of the  
19 practice of professional engineering or land surveying, as  
20 applicable, by the ~~corporation~~ business entity in this  
21 state. If there is a change in the individual or  
22 individuals responsible or in charge, the changes shall be  
23 designated in writing and filed with the board within  
24 thirty (30) days after the effective date of the change.



1

2 (d) If all requirements of this act are met, the  
3 board shall issue a certificate of authorization for  
4 professional engineering, for land surveying or for both,  
5 to the ~~corporation~~ business entity. The board may refuse  
6 to issue a certificate if any facts exist which would  
7 entitle the board to suspend or revoke an existing  
8 ~~certificate~~ license.

9

10 (e) A professional engineer or professional land  
11 surveyor who renders occasional, part-time or consulting  
12 engineering or land surveying services to or for a ~~firm~~ may  
13 business entity shall not be designated as the person in  
14 charge for the professional activities of the ~~firm~~ business  
15 entity.

16

17 **33-29-135. Public works.**

18

19 (a) Drawings, plans, specifications and estimates for  
20 public works of the state or a political subdivision  
21 thereof involving engineering or land surveying, shall be  
22 prepared by or under the personal direction of, and the  
23 construction of the works shall be executed under the

1 direct supervision of a qualified ~~registrant~~ licensee  
2 within the category involved.

3

4 (b) Surveys or maps required in connection with land  
5 surveying shall be made by or under the personal direction  
6 of a qualified ~~registrant~~ licensee.

7

8 **33-29-136. Exemptions and limitations.**

9

10 (a) Engineering or land surveying may be practiced  
11 without compliance with this act by:

12

13 (ii) An employee of a ~~registrant~~ licensee or of  
14 a person exempt from ~~registration~~ licensure, if the  
15 employment does not involve direct responsibility for  
16 design, inspection or supervision;

17

18 (iii) Any full-time employee of any ~~corporation~~  
19 business entity while doing work for that ~~corporation~~  
20 business entity, provided, that all maps, plats, plans or  
21 designs filed in any office of public record in the state  
22 of Wyoming shall be made and certified to by a ~~registered~~  
23 licensed professional engineer or professional land  
24 surveyor as provided by W.S. 33-29-139. This exemption

1 does not apply to ~~corporations~~ business entities offering  
2 their services to the public as professional engineers or  
3 professional land surveyors or to ~~corporations~~ business  
4 entities engaged in designing and supervising the building  
5 of works for public or private interests not their own.

6

7 **33-29-137. Violations.**

8

9 (a) Any person who commits any of the following acts  
10 is guilty of a misdemeanor:

11

12 (i) Practices, offers to practice or by any  
13 implication holds himself out as qualified to practice as  
14 an engineer or land surveyor, who is not ~~registered~~  
15 licensed as provided by this act;

16

17 (ii) Advertises or displays a card, sign or  
18 other device which may indicate to the public that he is an  
19 engineer or land surveyor, or is qualified to practice as  
20 such, who is not ~~registered~~ licensed as provided by this  
21 act;

22

23 (iii) Assumes the title of engineer or land  
24 surveyor, or uses ~~a certificate of registration~~ the license

1 of another, or uses an expired, suspended or revoked  
2 ~~certificate of registration~~ license;

3

4 (iv) Presents false evidence to the board with  
5 the intent to obtain ~~a certificate of registration~~  
6 licensure;

7

8 **33-29-138. Persons registered under previous law.**

9

10 (a) Any individual holding a certificate of  
11 registration in this state that is valid on ~~July 1, 1987~~  
12 July 1, 2005, shall be deemed to be ~~registered~~ licensed  
13 under this act.

14

15 (b) Those ~~registered~~ licensed under the provisions of  
16 subsection (a) of this section or under other provisions of  
17 this act are eligible for renewal of their ~~certificate of~~  
18 ~~registration~~ license pursuant to renewal requirements  
19 established in this act and the rules and regulations  
20 adopted by the board.

21

22 **33-29-139. Maps, plats, plans or designs for filing**  
23 **to be made and certified by professional engineer or**  
24 **surveyor; exception; size of maps.**

1

2 (a) All maps, plats, plans or designs necessary to be  
3 filed in the state engineer's office, the office of state  
4 lands and investments, all county clerks offices, all city  
5 or town offices, or any other office of public record in  
6 the state of Wyoming, shall be made and certified by a  
7 professional engineer or land surveyor ~~registered~~licensed  
8 under this act. ~~The original must~~ Hard copy originals shall  
9 either be drawn in waterproof black ink or acetate ink, or  
10 be an acceptable photographic or other kind of reproduction  
11 on good quality tracing linen or a polyester base drafting  
12 film in a minimum thickness of four-thousandths (.004)  
13 inch, or as otherwise required by the receiving entity.  
14 Maps may be submitted in electronic form pursuant to the  
15 Uniform Electronic Transmission Act, W.S. 40-21-101 through  
16 40-21-119. All nonelectronic maps, plats, plans or designs  
17 shall conform to one (1) of the following sizes and shall  
18 consist of one (1) original drawing together with one (1)  
19 print:

20

21 (x) Size AAA-Eleven (11) inches by seventeen  
22 (17) inches.

23

24 **33-29-147. Signature on corner record required.**

1

2

3

4

5

6

No corner record shall be filed unless the same is signed by a ~~registered~~licensed land surveyor, or, in the case of an agency of the United States government or the state of Wyoming, the certificate may be signed by the survey party chief making the survey.

7

**\*\*\* STAFF COMMENTS \*\*\***

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14

The following provisions contain purely conforming amendments to provisions in other sections of the statutes which reference "registered" engineers or surveyors. These provisions will be placed in their appropriate numerical sequence in the bill before filing.

15

**9-1-901. Qualifications.**

16

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18

19

20

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22

The state engineer shall have theoretical knowledge and practical and managerial skill and experience which fits him for the position and shall have at least two (2) years of engineering practice and experience in the state and shall be a ~~registered~~licensed professional engineer.

23

24

**9-2-1032. Contract procedure.**

25

26

27

(d) Each contract for professional services entered into by the principal representative shall contain

1 a prohibition against gratuities, kickbacks and contingent  
2 fees. The architect, ~~registered~~licensed land surveyor or  
3 professional engineer shall certify under oath that he has  
4 not in any way been involved in any gratuities, kickbacks,  
5 or contingent fees in connection with his selection or  
6 ultimate performance of this contract.

7

8 **15-1-202. Survey, map and census; contents;**  
9 **affidavits.**

10

11 (a) Any person intending to apply for the  
12 incorporation of a town shall:

13

14 (i) Have prepared an accurate survey and map of  
15 the territory intended to be embraced within its limits,  
16 which shall be made by a land surveyor ~~registered~~licensed  
17 under the laws of Wyoming and shall show the courses and  
18 distances of the boundaries of the territory, the quantity  
19 of land embraced and be accompanied by the affidavit of the  
20 surveyor;

21

22 **15-1-415. Additions to cities or towns by**  
23 **subdividing landowners; plat requirements; filing and**  
24 **effect thereof; controlling layout of streets.**

1

2 (b) The plat shall:

3

4 (ii) Have appended a survey made by a land  
5 surveyor ~~registered~~licensed under the laws of this state  
6 with a certificate that he has accurately surveyed the  
7 addition, and that the parts thereof are accurately staked  
8 off and marked with an appropriate metal monument including  
9 magnetic iron, inscribed at least with the registration  
10 number of the land surveyor to provide source  
11 identification, at all lot corners and survey control  
12 points of the addition.

13

14 **18-3-704. Establishment of lost corners.**

15

16 (a) Whenever the location of any monument which  
17 marks the corner of any tract or tracts of land is in  
18 dispute between the owners of the adjoining lands, the  
19 monument shall be established as follows:

20

21 (i) The county surveyor of the county in  
22 which the corner is located or any ~~registered~~licensed land  
23 surveyor employed by one of the landowners shall  
24 immediately give notice in writing to all parties



1 interested in the establishment of the corner, giving at  
2 least thirty (30) days notice and naming a day when he will  
3 make the necessary surveys to establish or restore the  
4 corner. If written notice cannot be made upon the owners or  
5 their agents because of nonresidence, then the notice shall  
6 be published once each week for four (4) consecutive weeks  
7 in a newspaper published in the county, or if there is no  
8 newspaper published in the county then in a newspaper of  
9 general circulation published nearest such county;

10

11 (iv) Any ~~registered~~licensed land surveyor  
12 rendering service under this section is entitled to fees  
13 and other incident expense to be collected equally from all  
14 interested parties.

15

16 **24-1-132. Contracts for county bridge work; bids;**  
17 **exception.**

18

19 (d) All bridges to be constructed shall be designed  
20 by a professional engineer who holds a valid ~~certificate of~~  
21 ~~registration~~license granted by the ~~state~~Wyoming board of  
22 ~~examining~~professional engineers ~~of the state of Wyoming~~  
23 and land surveyors. Plans and specifications shall be

1 prepared in accordance with the provisions of W.S. 24-2-  
2 106.

3

4 **24-2-110. Cooperation with counties in**  
5 **construction of county roads; allocation of costs; state-**  
6 **county road construction account established.**

7

8 (f) There is created a Wyoming county road  
9 standards committee appointed by the governor consisting  
10 of:

11

12 (i) Three (3) members nominated by the Wyoming  
13 county commissioners association, one (1) of whom shall be  
14 a ~~registered~~licensed professional engineer;

15

16 **30-5-108. State oil and gas supervisor;**  
17 **appointment; duties; authority of commission to appoint**  
18 **other employees; payment of traveling and living expenses.**

19

20 To enable the commission to carry out its duties  
21 and powers under the laws of this state with respect to  
22 conservation of oil and gas, and to enforce the rules and  
23 regulations so prescribed, the commission shall appoint one  
24 (1) chief administrator who shall be a qualified and

1 ~~registered~~licensed professional petroleum engineer or  
2 petroleum geologist who shall be designated and known as  
3 the "State Oil and Gas Supervisor." Such supervisor shall  
4 hold office at the pleasure of the commission and shall  
5 receive a salary, to be fixed by the commission. The state  
6 oil and gas supervisor shall be charged with such duties as  
7 are delegated by the commission, and in addition thereto he  
8 shall investigate charges and complaints of violation of  
9 the laws of this state with respect to conservation of oil  
10 and gas, and any order, rules and regulation of the  
11 commission made in connection therewith, and report  
12 concerning all such violations to the commission. The  
13 commission may at any time, when it finds that the public  
14 interest will be served thereby appoint such other  
15 employees as are found to be necessary, to assist the  
16 commission and the state oil and gas supervisor in the  
17 discharge of their respective duties. All employees or  
18 assistants authorized by this act shall be paid their  
19 necessary traveling and living expenses when traveling on  
20 official business, at such rates and within such limits as  
21 may be fixed by the commission, subject to existing law.

22

23 **33-4-117. Exemptions.**

24

1 (b) Nothing in this act shall be construed:

2

3 (iii) To prevent the independent employment of a  
4 ~~registered~~licensed professional engineer for any  
5 professional service related solely to civil, structural,  
6 mechanical or electrical engineering in connection with any  
7 building or building project.

8

9 **33-41-117. Exemptions.**

10

11 (a) The following are exempt from the licensing  
12 provisions of this act if they do not use the title of  
13 professional geologist or are not directly represented or  
14 held out to the public to be legally qualified to engage in  
15 the practice of geology before the public:

16

17 (iv) Qualified engineers and land surveyors,  
18 ~~registered~~licensed by the Wyoming board of ~~registration~~  
19 ~~for~~ professional engineers and professional land surveyors  
20 pursuant to W.S. 33-29-114 through 33-29-139 are exempt  
21 from the registration provisions of this act, providing,  
22 that no name, title, or words are used which tend to convey  
23 the impression that a nonregistered individual is offering  
24 to perform services as a professional geologist;

1

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3

**35-11-304. Administrator required to delegate certain management functions to local governmental entities.**

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(a) To the extent requested by a municipality, water and sewer district or county, the administrator of the water quality division, with the approval of the director, shall delegate to municipalities, water and sewer districts or counties which apply the authority to enforce and administer within their boundaries the provisions of W.S. 35-11-301(a)(iii) and (v), including the authority to develop necessary rules, regulations, standards and permit systems and to review and approve construction plans, conduct inspections and issue permits. Any authority delegated under this section shall be subject to the following conditions:

(iv) The local governmental entity shall demonstrate to the administrator that all facilities will be approved by a ~~registered~~licensed professional engineer or city or county sanitarian for small wastewater facilities or other qualified individual approved by the water quality division administrator, and that it employs a properly certified waste treatment plant operator

1 responsible for operation and maintenance of the treatment  
2 works in a manner at least as stringent as the department  
3 of environmental quality would require;

4

5 **41-3-114. Petition to change point of diversion or**  
6 **means of conveyance.**

7

8 (d) Such petitions shall be accompanied by maps in  
9 duplicate, one (1) of which shall be on tracing linen of a  
10 size required by the state engineer and state board of  
11 control, prepared under certificate of a ~~registered~~  
12 licensed land surveyor, and showing accurately the location  
13 of the stream, the location of the ditch or ditches  
14 involved, location of any intervening diversions, and if  
15 for irrigation, the location of the lands changed or  
16 affected by such change.

17

18 **41-3-308. Alterations or repairs of dams or diversion**  
19 **systems; plans and specifications; duties of state**  
20 **engineer.**

21

22 (a) Plans and specifications of any proposed  
23 construction, enlargement, major repair, alteration or  
24 removal of a dam or diversion system shall be prepared by

1 or under the direction of a ~~registered~~ professional  
2 engineer licensed to practice in the state of Wyoming and  
3 experienced in dam design and construction, and shall be  
4 submitted to the state engineer for approval. It is  
5 unlawful to commence construction, enlargement, major  
6 repair, alteration or removal until the plans and  
7 specifications have been approved by the state engineer. At  
8 the request of the state engineer, the professional  
9 engineer responsible for the plans and specifications shall  
10 carry out any revisions of the plans and specifications or  
11 provide such additional information as is necessary to  
12 justify or clarify the design.

13

14 **41-3-309. Alterations or repairs of dams or diversion**  
15 **systems; inspections performed and reports submitted to**  
16 **state engineer by professional engineer.**

17

18 (a) A ~~registered~~ professional engineer licensed to  
19 practice in the state of Wyoming shall be in charge of and  
20 responsible for the construction, enlargement, major  
21 repair, alteration or removal of any dam or diversion  
22 system.

23

1           **Section 2.** W.S. 33-29-128(a)(i) through (iii), 33-29-  
2 139(b) through (d) and 33-29-141(a)(vii) and (ix) are  
3 repealed.

4

5           **Section 3.** This act is effective July 1, 2005.

6

7

(END)