

HOUSE BILL NO. HB0020

Engineers and land surveyors-amendments.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

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; modifying name
4 of licensing board; making conforming amendments; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 9-1-901, 9-2-1032(d), 15-1-202(a)(i),
10 15-1-415(b)(ii), 18-3-704(a)(i) and (iv), 24-1-132(d),
11 24-2-110(f)(i), 30-5-108, 33-4-117(b)(iii),
12 33-29-114(a)(i), (ii), (iv), (v), (vi), (viii) and (ix),
13 33-29-115(a)(intro) and (c), 33-29-116(b), 33-29-119(c)(i)
14 through (iii), (ix), (x) and (d) through (h), 33-29-120(a)
15 and (c), 33-29-121, 33-29-124, 33-29-125(a)(intro), (ii),
16 (iv), (b)(intro), (i), (iii), by creating a new paragraph

1 (v) and amending and renumbering (v) as (vi),
2 33-29-126(a)(intro), (ii) through (iv), (b)(intro), (ii)
3 through (iv), (c)(ii), (iii) and (d), 33-29-127(a) and (b),
4 33-29-128(a)(intro), 33-29-129, 33-29-130, 33-29-131,
5 33-29-132(a)(i), (ii), (iv), (b)(intro), (ii)(A), (C),
6 (iv), (v), (vii) and (c) through (e), 33-29-134(a) through
7 (e), 33-29-135, 33-29-136(a)(ii) and (iii), 33-29-137(a)(i)
8 through (iv), 33-29-138, 33-29-139(a)(intro) and by
9 creating a new paragraph (x), 33-29-147, 33-41-117(a)(iv),
10 35-11-304(a)(iv), 41-3-114(d), 41-3-308(a) and 41-3-309(a)
11 are amended to read:

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13 **9-1-901. Qualifications.**

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

20

21 **9-2-1032. Contract procedure.**

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

1 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.

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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 subdividing**
23 **landowners; plat requirements; filing and effect thereof;**
24 **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 marks
17 the corner of any tract or tracts of land is in dispute
18 between the owners of the adjoining lands, the monument
19 shall be established as follows:

20

21 (i) The county surveyor of the county in which
22 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.
2 24-2-106.

3

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

7

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

10

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

14

15 **30-5-108. State oil and gas supervisor; appointment;**
16 **duties; authority of commission to appoint other employees;**
17 **payment of traveling and living expenses.**

18

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

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

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22 **33-4-117. Exemptions.**

23

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

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33-29-114. Definitions.

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(a) As used in this act:

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

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

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

1 (iv) ~~"Engineer-in-training"~~ "Engineer intern"
2 means a candidate for ~~registration~~ licensure as a
3 professional engineer who is a graduate in an approved
4 engineering curriculum of four (4) or more years at a
5 school approved by the board. ~~er, until June 30, 1991, who~~
6 ~~has eight (8) years or more of education or experience in~~
7 ~~engineering work which meets the standards specified by the~~
8 ~~board.~~ In addition the candidate shall have passed the
9 ~~engineer-in-training~~ fundamentals of engineering
10 examination;

11

12 (v) "Land surveyor" means a person who by reason
13 of his knowledge of the mathematical and physical sciences,
14 principles of land surveying and evidence gathering
15 acquired by professional education and practical experience
16 is qualified to practice land surveying as attested by his
17 ~~registration~~ licensure as land surveyor;

18

19 (vi) ~~"Land surveyor-in-training"~~ "Land surveyor
20 intern" means a candidate for ~~registration~~ licensure as a
21 professional land surveyor who is a graduate of a school
22 and curriculum approved by the board, or who has six (6) to
23 eight (8) years or more of education or experience, or
24 both, in land surveying work in a combination which meets

1 standards specified by the board. In addition, the
2 candidate shall have passed the ~~land surveyor in training~~
3 fundamentals of land surveying examination;

4
5 (viii) ~~"Registrant"~~ "Licensee" means any person
6 ~~registered~~ licensed with the board under this act;

7
8 (ix) "This act" means W.S. 33-29-114 through
9 ~~33-29-139~~ 33-29-149.

10

11 **33-29-115. Creation of board.**

12

13 (a) The ~~state~~ Wyoming board of ~~registration~~ for
14 professional engineers and professional land surveyors is
15 created to consist of six (6) members appointed by the
16 governor for a term of four (4) years plus the state
17 engineer who shall serve during his term in office. The
18 board shall be composed of:

19

20 (c) The governor may remove a member of the board as
21 provided in W.S. 9-1-202. Appointment to fill a vacancy
22 caused other than by expiration of term shall be for the
23 unexpired portion of the term. ~~The governor shall appoint~~
24 ~~by July 1, 1987, the professional land surveyor member of~~

1 ~~the board to take office July 1, 1987, and to serve until~~
2 ~~March 31, 1991, and the public member of the board to take~~
3 ~~office on July 1, 1987, and to serve until March 31, 1989.~~
4 ~~Members of the board under the former provisions of W.S.~~
5 ~~33-29-101 shall continue as members of the board under this~~
6 ~~section until expiration of their terms.~~

7
8 **33-29-116. Qualifications of board members.**

9
10 (b) Each member who is an engineer or land surveyor
11 shall have had at least ten (10) years active professional
12 experience as a professional engineer or land surveyor as
13 attested by ~~registration~~licensure under this ~~chapter~~act.

14
15 **33-29-119. Powers and duties of board.**

16
17 (c) Powers and duties of the board include the
18 following:

19
20 (i) Adopt an official seal for attestation of
21 ~~certificates of registration~~licensure and other official
22 papers and documents;

23

1 (ii) Consider and pass upon applications for
2 ~~registration~~licensure;

3

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

6

7 (ix) Keep a register which shall show the date
8 of each application for ~~registration~~licensure, the name of
9 the applicant, the practice or branch of practice in which
10 the applicant has applied for ~~registration~~licensure and
11 the disposition of the application;

12

13 (x) Determine and collect reasonable
14 ~~registration~~licensure and renewal fees ~~not to exceed two~~
15 ~~hundred dollars (\$200.00) each~~ as established by the rules
16 and regulations of the board;

17

18 (d) The board shall specify on the certificate of
19 ~~registration~~licensure and renewal card issued to each
20 ~~registered~~licensed engineer the branch of engineering in
21 which the engineer has demonstrated proficiency and
22 authorize him to use the title of ~~registered~~licensed
23 professional engineer. The board shall decide what
24 branches of engineering shall be recognized.

1

2 (e) The board may hold membership in and be
3 represented at national councils or organizations of
4 professions ~~registered~~ licensed under this act and may pay
5 the appropriate membership fees. The board may conduct
6 standard examinations on behalf of national councils and
7 may establish fees for those examinations.

8

9 (f) The board may employ persons as it deems
10 necessary to administer and enforce this act including
11 persons paid on a fee basis to prepare and grade
12 examinations given to applicants for ~~registration~~ licensure
13 and to fix the fee to be paid for the services. The
14 employees are authorized to prepare, grade and monitor
15 examinations and perform other services the board
16 authorizes and receive payment therefor.

17

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

21

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

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33-29-120. Petition for injunction.

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

(c) In a petition for injunction pursuant to subsection (a) of this section, it shall be sufficient to charge that the respondent on a day certain in a named county engaged in the practice of engineering or land surveying without a ~~registration~~license and without being exempt under this act from ~~registration~~licensure requirements. No showing of actual damage or injury shall be required.

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

In October of each year the board shall make a report to the governor which shall be accompanied by a copy of the

1 list of ~~registrants~~ licensees. A copy of the list shall
2 also be filed with the secretary of state and with the
3 clerk of each county.

4

5 **33-29-124. License required for the practice of**
6 **engineering or land surveying.**

7

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

12

13 (i) Submit evidence to the board showing that
14 the person is qualified to practice the profession of
15 engineering or land surveying; and

16

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

19

20 **33-29-125. Qualifications for intern licensure.**

21

22 (a) An applicant for ~~in-training registration~~
23 licensure as an engineer intern shall:

24

1 (ii) ~~Have a bachelor degree in~~ Be a graduate of
2 an engineering curriculum of four (4) years or more
3 accredited by the engineering accreditation commission of
4 the accreditation board for engineering and technology or
5 have an educational background that would be approved by
6 the board as the equivalent to that accredited curriculum
7 for a bachelor's degree; ~~or~~ and

8
9 (iv) Unless exempt under W.S. 33-29-130(c), pass
10 the ~~engineer-in-training~~ fundamentals of engineering
11 examination.

12
13 (b) An applicant for ~~in-training~~ registration
14 licensure as a land surveyor intern shall:

15
16 (i) Be of good moral character and repute; and
17 either

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

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(v) Have eight (8) years of combined office and field experience in land surveying, of which two (2) years shall have been in charge of land surveying projects under the supervision of a registered land surveyor;

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

33-29-126. Qualifications for professional licensure.

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

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

(iii) ~~Be actively engaged in education or experience, or both, in professional engineering satisfactory to the board for~~ Have a specific record of at least ~~an additional~~ four (4) years ~~beyond that required for registration as an engineer-in-training~~ of progressively

1 responsible experience following the completion of the
2 degree specified in W.S. 33-29-125(a)(ii) on engineering
3 projects of a grade and character which indicates to the
4 board that the applicant is competent in the practice of
5 engineering;

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

11
12 (b) An applicant for professional ~~registration~~
13 licensure as a land surveyor shall:

14
15 (ii) Be ~~registered~~ licensed as a land
16 ~~surveyor-in-training~~ surveyor intern;

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

23

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

3
4 (c) In computing the period of active engagement
5 required under this section:

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

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

21
22 (d) Experience credited by the board under this
23 section and W.S. 33-29-124, 33-29-125 and 33-29-130 shall
24 be attained under the direct supervision of a professional

1 who is satisfactory to the board and ~~registered~~licensed in
2 this state, another state or foreign country in the
3 profession in which the applicant is seeking ~~registration~~
4 licensure.

5

6 **33-29-127. Application for licensure.**

7

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

18

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

1 examination specified by the board in its rules and
2 regulations.

3

4 **33-29-128. Fees.**

5

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

10

11 **33-29-129. Seals for licensees.**

12

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

21

22 (b) Nonelectronic plans, specifications, plats or
23 reports prepared by a ~~registrant—~~licensee or his bona fide
24 employee shall be issued under his seal, with the signature

1 of the licensee and the date signed superimposed over the
2 seal.

3

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

9

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

14

15 **33-29-130. Licensure without examination.**

16

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

24

1 (b) An applicant for professional ~~registration~~
2 licensure as a land surveyor who satisfies ~~any one (1) of~~
3 the requirements of subsection (a) of this section shall
4 pass the part of the professional land surveyor examination
5 relating to the surveying methods and legal principles in
6 this state as prescribed by the board in its rules.

7

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

14

15 **33-29-131. Renewal of licenses; fees and penalties.**

16

17 (a) The board may establish a staggered system for
18 renewing ~~certificates of registration~~ licenses on a
19 biennial basis.

20

21 (b) ~~Certificates of registration~~ Licenses are invalid
22 after their expiration date unless renewed by payment of
23 the required renewal fee. If the renewal fee is not paid
24 prior to the expiration date, it shall be accompanied by a

1 penalty fee established by the board based on the period of
2 delinquency. ~~but the total fee shall not exceed the amount~~
3 ~~of the registration fee.~~

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

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

14
15 **33-29-132. Revocation of license; censure; probation;**
16 **hearing; notice of findings; appeal.**

17
18 (a) The board may take the following disciplinary
19 actions, in combination or alternatively:

20
21 (i) Revocation of a ~~certificate of registration~~
22 license or certificate of authority;

23

1 (ii) Suspension of a ~~certificate of registration~~
2 license or certificate of authority;

3

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

6

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

10

11 (ii) Has practiced fraud or misrepresentation:

12

13 (A) In obtaining a ~~certificate~~ of
14 ~~qualification~~ license, whether in the application or
15 qualification examination;

16

17 (C) In signing any document as a ~~registered~~
18 licensed professional.

19

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

1 otherwise, for an ~~unregistered~~unlicensed person with
2 intent to evade or violate this act;

3

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

10

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

17

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

1 records, documents and other evidence it deems relevant to
2 an investigation or hearing. A disciplinary action may be
3 informally settled by the board and the holder of a
4 ~~certificate~~license under this act who is the subject of
5 the action either before or after initiation of hearing
6 proceedings.

7

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

12

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

18

19 **33-29-134. Practice by business entities.**

20

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

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

1 which are prepared or approved for the use of or for
2 delivery to any person or for public record within this
3 state shall be dated and bear the signature and seal of the
4 professional engineer or professional land surveyor who
5 prepared or approved them.

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

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

1 designated in writing and filed with the board within
2 thirty (30) days after the effective date of the change.

3

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

11

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

18

19 **33-29-135. Public works.**

20

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

1 construction of the works shall be executed under the
2 direct supervision of a qualified ~~registrant~~licensee
3 within the category involved.

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

8
9 **33-29-136. Exemptions and limitations.**

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

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

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

1 surveyor as provided by W.S. 33-29-139. This exemption
2 does not apply to ~~corporations~~ business entities offering
3 their services to the public as professional engineers or
4 professional land surveyors or to ~~corporations~~ business
5 entities engaged in designing and supervising the building
6 of works for public or private interests not their own.

7

8 **33-29-137. Violations.**

9

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

12

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

17

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

23

1 (iii) Assumes the title of engineer or land
2 surveyor, or uses ~~a certificate of registration~~ the license
3 of another, or uses an expired, suspended or revoked
4 ~~certificate of registration~~ license;

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

9
10 **33-29-138. Persons registered under previous law.**

11
12 (a) Any individual holding a certificate of
13 registration in this state that is valid on July 1, ~~1987~~
14 2005, shall be deemed to be ~~registered~~ licensed under this
15 act.

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

23

1 **33-29-139. Maps, plats, plans or designs for filing**
2 **to be made and certified by professional engineer or**
3 **surveyor; exception; size of maps.**

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

23

1 (x) Size AAA-Eleven (11) inches by seventeen
2 (17) inches.

3

4 **33-29-147. Signature on corner record required.**

5

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

11

12 **33-41-117. Exemptions.**

13

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

19

20 (iv) Qualified engineers and land surveyors,
21 ~~registered~~-licensed by the Wyoming board of ~~registration~~
22 ~~for~~ professional engineers and professional land surveyors
23 pursuant to W.S. 33-29-114 through 33-29-139 are exempt
24 from the registration provisions of this act, providing,

1 that no name, title, or words are used which tend to convey
2 the impression that a nonregistered individual is offering
3 to perform services as a professional geologist;

4

5 **35-11-304. Administrator required to delegate certain**
6 **management functions to local governmental entities.**

7

8 (a) To the extent requested by a municipality, water
9 and sewer district or county, the administrator of the
10 water quality division, with the approval of the director,
11 shall delegate to municipalities, water and sewer districts
12 or counties which apply the authority to enforce and
13 administer within their boundaries the provisions of W.S.
14 35-11-301(a)(iii) and (v), including the authority to
15 develop necessary rules, regulations, standards and permit
16 systems and to review and approve construction plans,
17 conduct inspections and issue permits. Any authority
18 delegated under this section shall be subject to the
19 following conditions:

20

21 (iv) The local governmental entity shall
22 demonstrate to the administrator that all facilities will
23 be approved by a ~~registered~~licensed professional engineer
24 or city or county sanitarian for small wastewater

1 facilities or other qualified individual approved by the
2 water quality division administrator, and that it employs a
3 properly certified waste treatment plant operator
4 responsible for operation and maintenance of the treatment
5 works in a manner at least as stringent as the department
6 of environmental quality would require;

7

8 **41-3-114. Petition to change point of diversion or**
9 **means of conveyance.**

10

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

20

21 **41-3-308. Alterations or repairs of dams or diversion**
22 **systems; plans and specifications; duties of state**
23 **engineer.**

24

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

16

17 **41-3-309. Alterations or repairs of dams or diversion**
18 **systems; inspections performed and reports submitted to**
19 **state engineer by professional engineer.**

20

21 (a) A ~~registered~~ professional engineer licensed to
22 practice in the state of Wyoming shall be in charge of and
23 responsible for the construction, enlargement, major

1 repair, alteration or removal of any dam or diversion
2 system.

3

4 **Section 2.** W.S. 33-29-125(a)(iii), 33-29-128(a)(i)
5 through (iii) and 33-29-141(a)(vii) and (ix) are repealed.

6

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

8

9

(END)