

## HOUSE BILL NO. HB0132

Surveyors and engineers.

Sponsored by: Representative(s) Jorgensen, Cohee, Hammons,  
Lockhart and McOmie and Senator(s) Hastert  
and Nicholas

A BILL

for

1 AN ACT relating to professions and occupations; amending  
2 provisions relating to licensure of engineers and land  
3 surveyors; providing for administration and regulation of  
4 engineers and land surveyors as specified; providing for  
5 electronic filings; modifying name of licensing board;  
6 providing fees; providing disciplinary proceedings;  
7 imposing penalties; making conforming amendments; and  
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 33-29-150 through 33-29-173 are  
13 created to read:

14

15 **33-29-150. Definitions.**

16

1           (a) As used in this act:

2

3           (i) "Board" means the Wyoming board for  
4 professional engineers and professional land surveyors;

5

6           (ii) "Engineer" means a person who is qualified  
7 to practice engineering by reason of special knowledge and  
8 use of the mathematical, physical and engineering sciences  
9 and the principles and methods of engineering analysis and  
10 design, acquired by engineering education and engineering  
11 experience;

12

13           (iii) "Engineer intern" means a person who has  
14 qualified for, taken and passed an examination in the  
15 fundamental engineering subjects as provided by this act;

16

17           (iv) "Firm" means any form of business entity  
18 other than an individual licensee operating under his name  
19 that offers professional engineering or land surveying  
20 services to the public;

21

22           (v) "Inactive licensee" means a licensee who is  
23 not actively engaged in professional engineering or land  
24 surveying practice in this state and who has been granted

1 inactive status by the board. No inactive licensee may  
2 practice in this state unless otherwise exempted by this  
3 act. An inactive licensee shall be exempt from the  
4 continuing education requirements of this act;

5

6 (vi) "Land surveyor" means a person who is  
7 qualified to practice land surveying by reason of special  
8 knowledge in the technique of measuring land through the  
9 use of the mathematical, physical and applied sciences, and  
10 the requirements of the law relevant to surveying of real  
11 property, acquired by surveying education and surveying  
12 experience;

13

14 (vii) "Land surveyor intern" means a person who  
15 has qualified for, taken and passed an examination in the  
16 fundamental surveyor intern subjects as provided by this  
17 act;

18

19 (viii) "Licensee" means any person issued a  
20 certificate of licensure as a professional engineer or  
21 professional land surveyor or certified or enrolled as an  
22 engineer intern or land surveyor intern, or any firm issued  
23 a certificate of authorization under this act;

24

1           (ix) "Practice of engineering" means any service  
2 or creative work which requires engineering education,  
3 training and experience and the application of special  
4 knowledge of the mathematical, physical and engineering  
5 sciences to adequately perform those services or creative  
6 work. It shall include consultation, investigation, expert  
7 technical testimony, evaluation, planning, design and  
8 design coordination of engineering works and systems;  
9 teaching of advanced engineering subjects; performing  
10 engineering surveys and studies; and the review or  
11 management of construction for the purpose of monitoring or  
12 ensuring compliance with drawings and specifications when  
13 those services require the application of engineering  
14 principles. It shall embrace such services or work in  
15 connection with utilities, structures, buildings, machines,  
16 equipment, processes, work systems, projects, communication  
17 systems, transportation systems and industrial or consumer  
18 products; or equipment of control systems, communications,  
19 mechanical, electrical, hydraulic, pneumatic, petroleum,  
20 nuclear, mining, chemical, environmental or equipment of a  
21 thermal nature, insofar as they involve safeguarding life,  
22 health or property, and include such other professional  
23 services as may be necessary for the planning, progress and  
24 completion of any engineering services.       Design

1 coordination includes the review and coordination of those  
2 technical submissions prepared by others, including as  
3 appropriate and without limitation, consulting engineers,  
4 architects, landscape architects, land surveyors,  
5 geologists and other professionals working under the  
6 direction of the engineer. Engineering surveys include all  
7 survey activities required to support the sound conception,  
8 planning, design, construction, maintenance and operation  
9 of engineered projects, but exclude the surveying of real  
10 property for the establishment of land boundaries, rights-  
11 of-way, easements and the dependent or independent surveys  
12 or resurveys of the public land survey system. A person  
13 shall be deemed to be practicing or offering to practice  
14 engineering if he practices any branch of the profession of  
15 engineering, or by verbal claim, sign, advertisement,  
16 letterhead, card or any other manner represents himself to  
17 be a professional engineer, or through the use of some  
18 other title implies that he is a professional engineer or  
19 that he is licensed under this act, or holds himself out as  
20 able to perform or does perform any engineering service or  
21 work or any other service designated by the practitioner  
22 which is recognized as engineering;

23

1           (x) "Practice of land surveying" means to  
2 provide or offer to provide professional land surveying  
3 services using the sciences of mathematics, geodesy and  
4 photogrammetry. Professional land surveying services shall  
5 include consultation, investigation, design coordination,  
6 testimony evaluation, expert technical testimony, planning,  
7 mapping, assembling and interpreting gathered measurements  
8 and information related to any one (1) or more of the  
9 following:

10

11           (A) Determining by measurement the  
12 configuration or contour of the earth's surface or the  
13 position of fixed objects thereon;

14

15           (B) Determining by geodetic surveys the  
16 size and shape of the earth or the position of any point on  
17 the earth;

18

19           (C) Locating, relocating, establishing,  
20 reestablishing or retracing property lines or boundaries of  
21 any tract of land, road, right-of-way or easement;

22

23           (D) Making any survey for the division,  
24 subdivision or consolidation of any tract of land;

1

2 (E) Locating or laying out control for  
3 alignments, positions or elevations for the construction of  
4 fixed works;

5

6 (F) Determining, by the use of principles  
7 of surveying, the position for any survey monument,  
8 boundary or nonboundary, or reference point, or  
9 establishing or replacing any such monument or reference  
10 point; or

11

12 (G) Creating, preparing or modifying  
13 electronic, computerized or other data relative to the  
14 performance of the activities in the described activities  
15 in this paragraph.

16

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

1 specific discipline or branch of engineering signifying the  
2 area in which the engineer has demonstrated competence on  
3 the basis of education, experience and examination;

4

5 (xii) "Professional land surveyor" means a  
6 person who has been duly licensed as a professional land  
7 surveyor by the board, and who is a professional specialist  
8 in the technique of measuring land, educated in the basic  
9 principles of mathematics and the related physical and  
10 applied sciences, and the relevant requirements of law for  
11 adequate evidence required to survey real property, and who  
12 is engaged in the practice of surveying as defined by this  
13 act. The board may designate a professional land surveyor  
14 on the basis of education, experience and examination;

15

16 (xiii) "Responsible charge" means direct charge  
17 and control and personal supervision of engineering work or  
18 land surveying. Only a professional engineer or  
19 professional land surveyor may legally assume responsible  
20 charge under this act;

21

22 (xiv) "Seal" means a symbol, image or list of  
23 information adopted in accordance with board rules and  
24 regulations;

1

2 (xv) "This act" means W.S. 33-29-150 through  
3 33-29-173.

4

5 **33-29-151. Creation of board.**

6

7 (a) The Wyoming board for professional engineers and  
8 professional land surveyors is created to consist of eight  
9 (8) members appointed by the governor for a term of four  
10 (4) years plus the state engineer who shall serve during  
11 his term in office. The board shall be comprised as  
12 follows:

13

14 (i) The state engineer;

15

16 (ii) One (1) professional engineer in the  
17 education field at the university level;

18

19 (iii) One (1) professional engineer in a  
20 discipline other than civil engineering;

21

22 (iv) Two (2) professional engineers who are  
23 engaged in private practice;

24

1           (v) One (1) public member, neither an engineer  
2 nor a land surveyor; and

3

4           (vi) Three (3) professional land surveyors  
5 including two (2) who are engaged in private practice. One  
6 (1) of the three (3) professional land surveyors may hold  
7 dual licensure in engineering and land surveying.

8

9           (b) The governor may remove a member of the board as  
10 provided in W.S. 9-1-202. Appointment to fill a vacancy  
11 caused other than by expiration of term shall be for the  
12 unexpired portion of the term.

13

14           **33-29-152. Qualifications of board members.**

15

16           (a) Each member of the board shall be a citizen of  
17 the United States and a resident of this state.

18

19           (b) Each engineer member of the board shall have been  
20 engaged in the lawful practice of engineering as a  
21 professional engineer for not less than twelve (12) years,  
22 have been in charge of engineering services for not less  
23 than five (5) years, and shall be a licensed professional  
24 engineer in this state.

1

2 (c) Each land surveyor member shall have been engaged  
3 in the lawful practice of land surveying as a professional  
4 land surveyor for not less than twelve (12) years and shall  
5 have been in responsible charge of land services for not  
6 less than five (5) years and shall be a licensed  
7 professional land surveyor in this state.

8

9 **33-29-153. Compensation of board members.**

10

11 Each member of the board except the state engineer shall  
12 receive as salary the sum paid each day to legislators for  
13 the time consumed in the performance of his duties. Each  
14 member shall receive per diem and mileage allowance as  
15 allowed to state employees. Compensation and expenses shall  
16 be paid only from the fees collected by the board.

17

18 **33-29-154. Organization of board.**

19

20 (a) The board shall biennially elect from its  
21 membership a chair, vice-chair and secretary-treasurer to  
22 serve for not more than two (2) terms. The board shall  
23 hold at least four (4) regular meetings each year and such  
24 special or called meetings as the rules provide.

1

2 (b) Five (5) members shall constitute a quorum. No  
3 decision shall be made unless it receives the affirmative  
4 votes of at least five (5) members of the board.

5

6 **33-29-155. Powers and duties of board.**

7

8 (a) Responsibility for enforcement of this act is  
9 vested in the board. The board shall have all duties,  
10 powers and authority specifically granted by and necessary  
11 to the enforcement of this act.

12

13 (b) The board may make, adopt, amend, repeal and  
14 enforce reasonable rules and regulations necessary for the  
15 proper administration and enforcement of this act, the  
16 board's meetings, procedures, records, examinations and the  
17 conduct thereof. The board shall also adopt rules and  
18 regulations for professional conduct. Rules adopted by the  
19 board shall be binding upon any person licensed under this  
20 act and any nonlicensed person found by the board to be in  
21 violation of the provisions of this act. The rules shall  
22 be applicable to any business entity holding a license of  
23 authorization. The board shall adopt an official seal  
24 which shall be affixed to each license issued by the board.

1

2 (c) In carrying out the provisions of this act, the  
3 board may subpoena witnesses and compel their attendance,  
4 and also may require the submission of books, papers,  
5 documents or other pertinent data, in any disciplinary  
6 matter, or in any case wherever a violation of this act is  
7 alleged. Upon failure or refusal to comply with any lawful  
8 order of the board, or upon failure to honor its subpoena  
9 as herein provided, the board may apply to any Wyoming  
10 court to enforce compliance with the provisions of this  
11 subsection.

12

13 (d) The board may apply for relief by injunction in  
14 the established manner provided in civil cases, without  
15 bond, to enforce the provisions of this act or to restrain  
16 any violation thereof. In those proceedings, it shall not  
17 be necessary to allege or prove either that an adequate  
18 remedy at law does not exist or that substantial or  
19 irreparable damage would result from the continued  
20 violation thereof. The members of the board shall not be  
21 personally liable for instituting these proceedings.

22

1           (e) The board may subject an applicant for licensure  
2 to examinations it deems necessary to determine the  
3 applicant's qualifications.

4

5           (f) The board shall have the power and authority to  
6 require a demonstration of continuing professional  
7 competency of engineers and land surveyors as a condition  
8 of renewal or relicensure.

9

10          (g) No action or other legal proceeding for damages  
11 shall be instituted against the board or against any board  
12 member or employee or agent of the board for any act done  
13 in good faith and in the intended performance of any power  
14 granted under this act or for any neglect or default in the  
15 performance or exercise in good faith of any duty or power.

16

17          (h) In carrying out the duties, functions and  
18 obligations of this act, the board may contract with any  
19 agency or private vendor as the board considers  
20 appropriate. The board may also enter into contracts to  
21 acquire, own, encumber, issue, replace, deal in and dispose  
22 of real and personal property.

23

1           (j) The board shall have the power to appoint  
2 committees as it deems necessary to assist the board in  
3 carrying out its responsibilities under this act. Any  
4 individual appointed by the board to serve on a committee  
5 or otherwise carry out the functions of this act is  
6 entitled to reimbursement of expenses as approved by the  
7 board.

8

9           (k) The board shall have the power to employ a board  
10 administrator and staff to properly perform its work and to  
11 assist in carrying out the responsibilities of this act.  
12 Any individual employed by the board shall receive a salary  
13 and salary adjustments as the board shall determine.

14

15           (m) The board shall have the power to establish and  
16 collect fees as provided by W.S. 33-1-201. The board  
17 administrator shall receive and account for all monies  
18 received under this act. All monies received and the  
19 interest thereon shall be deposited in the state treasury  
20 and credited to the professional engineer and professional  
21 land surveyor account. Expenditures from the account shall  
22 be made only upon requisition submitted by the board  
23 administrator or secretary-treasurer. All monies in the  
24 account are specifically appropriated for the use of the

1 board to cover expenses reasonably necessary for the proper  
2 performance of its duties under this act, including the  
3 expenses of board delegates to meetings of, and membership  
4 fees to, any national organization. The board may pay  
5 miscellaneous expenses associated with board members  
6 seeking and holding appropriate regional or national  
7 offices.

8

9 (n) The board shall be authorized to use electronic  
10 transmissions for all purposes permitted under this act.

11

12 **33-29-156. Petition for injunction.**

13

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

19

20 (b) The district court of the district in which the  
21 offending party resides or the district court of Laramie  
22 county shall have original jurisdiction of any injunction  
23 proceedings.

24

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

8

9           (d) The petition shall be filed in the name of the  
10 state by the board or at the request of the board by the  
11 attorney general or any district attorney in any county  
12 where the respondent resides or may be found.

13

14           (e) Issuance of an injunction shall not relieve  
15 respondent from being subject to any other proceeding under  
16 this act. Any violation of an injunction shall be punished  
17 as contempt of court.

18

19           **33-29-157. Annual report of board; filing copies of**  
20 **lists of licensees.**

21

22 On or before October 30 of each year the board shall report  
23 to the governor, which shall include the operation and  
24 statistics relative to the board's statutory duties. A

1 complete roster showing the names and last known address of  
2 all licensed professional engineers and licensed  
3 professional land surveyors shall be established by the  
4 board administrator once each year in a format approved by  
5 the board.

6

7 **33-29-158. Immunity from personal liability.**

8

9 (a) A member, agent or employee of the board and any  
10 person reporting information to the board under oath shall  
11 be immune from personal liability with respect to any act  
12 done and any action taken in good faith without fraud or  
13 malice.

14

15 (b) The immunity provided by this section shall  
16 extend to any member of any professional review committee,  
17 investigator or witness appearing before the committee or  
18 board.

19

20 **33-29-159. License required for the practice of**  
21 **engineering or land surveying.**

22

23 The practice of engineering and land surveying is a  
24 privilege which shall be granted by the licensing board

1 pursuant to this act based on the qualifications of the  
2 person or business entity as evidenced by certificate of  
3 licensure. In order to safeguard life, health and property  
4 and to promote the public welfare, any person or business  
5 entity in either public or private capacity desiring to  
6 practice or offer to practice professional engineering or  
7 professional land surveying in Wyoming shall be required to  
8 submit evidence to the board showing that the applicant is  
9 qualified to practice and shall be licensed as provided by  
10 this act and board rules and regulations.

11

12 **33-29-160. Qualifications for intern licensure.**

13

14 (a) An applicant for intern licensure as an engineer  
15 shall be of good moral character and repute. A college  
16 senior or graduate of an engineering program of four (4)  
17 years or more accredited by an agency approved by the  
18 board, or its equivalent, shall be admitted to an eight (8)  
19 hour written examination in the fundamentals of  
20 engineering. Upon passing the examination and providing  
21 proof of graduation from the engineering program, the  
22 applicant shall be certified or enrolled as an engineer  
23 intern if otherwise qualified.

24

1           (b) An applicant for intern licensure as a land  
2 surveyor shall be of good moral character and repute. One  
3 (1) of the following shall apply:

4  
5           (i) A college senior or graduate of a surveying  
6 program of four (4) years or more accredited by an agency  
7 approved by the board, or its equivalent, shall be admitted  
8 to an eight (8) hour written examination in the  
9 fundamentals of surveying. Upon passing the examination  
10 and providing proof of graduation, the applicant shall be  
11 certified or enrolled as a surveyor intern if otherwise  
12 qualified;

13  
14           (ii) A graduate of a nonsurveying engineering  
15 program of four (4) years or more as approved by the board  
16 and at least thirty (30) semester credit hours in  
17 surveying, mapping, and other courses approved by the  
18 board, shall be admitted to an eight (8) hour written  
19 examination in the fundamentals of surveying. Upon passing  
20 the examination, the applicant shall be certified or  
21 enrolled as a surveyor intern, if otherwise qualified;

22  
23           (iii) A graduate of a four (4) year or more  
24 program not directly related to surveying or engineering,

1 approved by the board and at least thirty (30) semester  
2 credit hours in surveying, mapping and other courses  
3 approved by the board shall be admitted to an eight (8)  
4 hour written examination in the fundamentals of surveying.  
5 Upon passing the examination, the applicant shall be  
6 certified or enrolled as a surveyor intern, if otherwise  
7 qualified;

8

9 (iv) A graduate with an associate degree in a  
10 surveying technology curriculum approved by the board plus  
11 four (4) years of combined office and field experience in  
12 land surveying, of which two (2) years shall have been in  
13 charge of land surveying projects under the supervision of  
14 a licensed land surveyor shall be admitted to an eight (8)  
15 hour written examination in the fundamentals of surveying.  
16 Upon passing the examination, the applicant shall be  
17 certified or enrolled as a surveyor intern, if otherwise  
18 qualified. This paragraph is repealed effective June 30,  
19 2015.

20

21 (c) Unless exempt under W.S. 33-29-165(c) or (d), the  
22 applicant for intern licensure as a land surveyor shall  
23 pass the fundamentals of surveying examination.

24

1           **33-29-161. Qualifications for professional licensure.**

2

3           (a) The following shall apply to an applicant for  
4 professional licensure as an engineer:

5

6           (i) The applicant shall be of good moral  
7 character and repute;

8

9           (ii) The applicant shall meet all the  
10 qualifications for an engineering intern;

11

12           (iii) An engineer intern or an individual with a  
13 doctorate in engineering acceptable to the board and with a  
14 specific record of an additional four (4) years or more of  
15 progressive experience on engineering projects of a grade  
16 and a character which indicates to the board that the  
17 applicant may be competent to practice engineering shall be  
18 admitted to an eight (8) hour written examination in the  
19 principles and practice of engineering. Upon passing the  
20 examination, the applicant shall be granted a certificate  
21 of licensure to practice engineering in this state,  
22 provided the applicant is otherwise qualified;

23

1           (iv) Unless exempt under W.S. 33-29-165(c) or  
2 (d), the applicant shall pass the fundamentals and  
3 professional examination in the discipline in which  
4 licensure is sought.

5

6           (b) The following shall apply to an applicant for  
7 professional licensure as a land surveyor:

8

9           (i) The applicant shall be of good moral  
10 character and repute;

11

12           (ii) The applicant shall meet all the  
13 qualifications for a land surveyor intern;

14

15           (iii) A land surveyor intern who has a specific  
16 record of an additional four (4) years of combined office  
17 and field experience satisfactory to the board in land  
18 surveying under the supervision of a professional land  
19 surveyor, shall be admitted to an eight (8) hour written  
20 examination in the principles and practice of surveying.  
21 Upon passing the examination, the applicant shall be  
22 granted a certificate of licensure to practice surveying in  
23 this state, provided the applicant is otherwise qualified;

24

1           (iv) Unless exempt under W.S. 33-29-165(c) or  
2 (d), the applicant shall pass the intern and professional  
3 examinations.

4  
5           (c) Notwithstanding the requirements in this section,  
6 the board may adopt rules for the licensure of graduates of  
7 foreign universities.

8  
9           **33-29-162. Application for licensure.**

10  
11           (a) Application for licensure as a professional  
12 engineer or professional land surveyor or licensure as an  
13 engineer intern or surveyor intern shall be on a form and  
14 in a manner prescribed and furnished by the board; shall  
15 contain statements made under oath, showing the applicant's  
16 education and a detailed summary of technical and  
17 engineering experience or land surveying experience; and  
18 shall include the names and complete mailing addresses of  
19 the applicant's references.

20  
21           (b) The board may accept the verified information  
22 contained in a valid council record issued by the National  
23 Council of Examiners for Engineering and Surveying for

1 applicants which contains all information that is required  
2 by the board.

3

4 **33-29-163. Fees.**

5

6 (a) The licensure fees shall be established by rules  
7 and regulations of the board for licensure as a  
8 professional engineer, professional land surveyor, engineer  
9 intern or surveyor intern in accordance with the provisions  
10 of W.S. 33-1-201, and the appropriate fee shall accompany  
11 the application.

12

13 (b) The licensure fee for a business entity shall be  
14 established by rule and regulation of the board and shall  
15 accompany the application.

16

17 (c) The reasonable cost of rendering administrative  
18 services and other miscellaneous services may be recovered  
19 by the board.

20

21 (d) All fees submitted to the board shall be  
22 nonrefundable.

23

24 **33-29-164. Seals and licenses.**

1

2 (a) The board shall adopt and prescribe seals for use  
3 by a licensee who holds a valid license under this act.  
4 Each seal shall bear the name of the licensee, shall state  
5 the profession in which he is permitted to practice and, in  
6 the case of engineering, the branch or branches of  
7 engineering in which he has demonstrated proficiency and  
8 other data the board deems pertinent.

9

10 (b) Nonelectronic plans, specifications, plats or  
11 reports prepared by a licensee or his bona fide employee  
12 shall be issued under his seal, with the signature of the  
13 licensee and the date signed superimposed over the seal.

14

15 (c) It shall be unlawful for a licensee whose license  
16 has expired or has been revoked or suspended to use the  
17 seal, or for a licensee to sign, stamp or seal any document  
18 not prepared by him or by an employee under his  
19 supervision.

20

21 (d) It shall be unlawful for any person not licensed  
22 under this act to cause or permit the illegal use of a  
23 licensee's seal, signature or stamp on any document.

24

1           (e) The board shall issue to any applicant who, in  
2 the opinion of the board, has met the requirements of this  
3 act, a certificate of licensure giving the licensee proper  
4 authority to practice his profession in this state. The  
5 license for a professional engineer shall carry the  
6 designation "Professional Engineer" and for a professional  
7 land surveyor, "Professional Land Surveyor." It shall  
8 contain the full name of the licensee with licensure number  
9 and shall be signed by the chair and the board  
10 administrator under the seal of the board.

11

12           (f) The license shall be prima facie evidence that  
13 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 licensure remains unrestricted.

17

18           (g) The board shall issue to any applicant who, in  
19 the opinion of the board, has met the requirements of this  
20 act, an enrollment card as engineer intern or land surveyor  
21 intern which indicates that their name has been recorded as  
22 such in the board office. The engineer intern or land  
23 surveyor intern enrollment card shall not authorize the

1 holder to practice as a professional engineer or a  
2 professional land surveyor.

3

4 (h) Each licensee under this act shall, upon  
5 licensure, obtain a seal, the use and design of which shall  
6 be prescribed in board rules and regulations. It shall be  
7 unlawful for a licensee to affix or to permit his seal and  
8 signature to be affixed to any document after the  
9 expiration or revocation of a license or for the purpose of  
10 aiding or abetting any other person to evade or attempt to  
11 evade any provision of this act. Whenever the seal is  
12 applied, the document shall be signed by the licensee  
13 thereby certifying that he is competent in the subject  
14 matter and was in responsible charge of the work product.  
15 Documents shall be sealed and signed in accordance with  
16 board rules.

17

18 **33-29-165. Licensure without examination.**

19

20 (a) A person who is licensed to engage in the  
21 practice of engineering or land surveying issued by the  
22 proper authority of a jurisdiction or possession of the  
23 United States, the District of Columbia or any foreign  
24 country which is based on requirements that do not conflict

1 with the provisions of this act and which are, in the  
2 judgment of the board, not lower than the requirements  
3 specified in the licensure act in effect in this state at  
4 the time the out-of-state license was issued may be  
5 licensed without further examination except as required to  
6 present evidence of knowledge of statutes, rules and design  
7 requirements unique to this state.

8

9 (b) A person holding an active council record with  
10 the National Council of Examiners for Engineering and  
11 Surveying whose qualifications are evidenced by council  
12 record and meet the requirements of this act may, upon  
13 application, be licensed without further examination except  
14 as required to examine the applicant's knowledge of  
15 statutes, rules and design requirements unique to this  
16 state.

17

18 (c) The board may exempt an applicant from the  
19 fundamentals examination if he is a graduate of a school  
20 and curriculum approved by the board and has been actively  
21 engaged in experience in the profession for which licensure  
22 is sought for at least twenty (20) years after graduation.

23

1           (d) The board may exempt a land surveying applicant  
2 from the fundamentals examination if he holds a doctorate  
3 degree in land surveying which is acceptable to the board  
4 and who has a specific record of not less than four (4)  
5 years of combined office and field experience satisfactory  
6 to the board in land surveying under the supervision of a  
7 licensed land surveyor.

8

9           **33-29-166. Renewal of licenses; relicensure;**  
10 **reinstatement of license.**

11

12           (a) The board may establish a staggered system for  
13 renewing certificates of licensure on a biennial basis.

14

15           (b) A certificate of licensure shall be renewed by  
16 the board upon payment of the renewal fee and satisfactory  
17 evidence of compliance with the required professional  
18 development units as established by rules and regulations  
19 of the board. Any license issued by the board shall expire  
20 if the licensee fails to renew the license prior to the  
21 date of expiration. Failure to renew the license by the  
22 expiration date shall result in the forfeiture of the right  
23 to practice engineering or land surveying in this state.

24

1           (c) A licensee who has allowed his license to lapse  
2 for failure to renew as herein provided may apply for  
3 relicensure according to board rules and regulations.

4  
5           (d) Any licensee who holds an active license to  
6 practice in this state, and who wishes to discontinue the  
7 practice of professional engineering or professional land  
8 surveying in this state, may request in writing, that the  
9 board place his license on inactive status. A license on  
10 inactive status shall not be considered lapsed or expired.  
11 A reduced biennial renewal fee shall be required to retain  
12 the inactive status. A licensee on inactive status may  
13 apply for reinstatement pursuant to board rules and  
14 regulations.

15  
16           (e) The board shall establish the biennial renewal  
17 fee pursuant to W.S. 33-1-201.

18  
19           **33-29-167. Disciplinary authority; grounds; fines;**  
20 **due process of law; settlement; reinstatement.**

21  
22           (a) The board may refuse to issue, renew or  
23 reinstate, or may suspend or revoke the certificate of  
24 licensure of any professional engineer or professional land

1 surveyor, the certification or enrollment of any engineer  
2 intern or land surveyor intern, or certificate of  
3 authorization of any firm, or may place on probation, fine  
4 or reprimand any licensee who:

5

6 (i) Has engaged in any act inconsistent with  
7 uniform and reasonable standards of professional conduct as  
8 defined by board rules and regulations;

9

10 (ii) Has practiced fraud or misrepresentation:

11

12 (A) In obtaining or attempting to obtain  
13 either an initial or renewal certificate of licensure or  
14 certificate of authorization;

15

16 (B) In submitting any information or record  
17 to the board; or

18

19 (C) In signing any document as a licensed  
20 professional engineer or land surveyor.

21

22 (iii) Is unfit to practice by reason of  
23 incompetence, negligence or other misconduct in the  
24 practice of his profession;

1

2           (iv) Has aided or abetted another to evade or  
3 violate this act or knowingly combined or conspired with an  
4 unlicensed person, or allowed one's license to be used by  
5 an unlicensed person or acted as agent, partner, associate  
6 or otherwise for an unlicensed person with intent to evade  
7 or violate this act;

8

9           (v) Has had a license to practice engineering or  
10 land surveying in another jurisdiction, territory or  
11 possession of the United States denied, revoked, suspended,  
12 restricted, placed on probation or otherwise disciplined,  
13 including fines, other than by reason of failure to renew  
14 or meet education requirements;

15

16           (vi) Is convicted of, or enters a plea of guilty  
17 or nolo contendere to, any felony, or is convicted of, or  
18 enters a plea of guilty or nolo contendere to, any  
19 misdemeanor in which dishonesty is an essential element, or  
20 which is directly related to the practice of engineering or  
21 land surveying;

22

23           (vii) Has engaged in an act which the licensee  
24 knew was beyond the scope of his professional practice as

1 evidenced by limitations on the licensee's right to  
2 practice, or insufficient education and knowledge, or  
3 inability to apply engineering or land surveying principles  
4 and skills;

5

6 (viii) Has violated this act, the Corner  
7 Perpetuation and Filing Act under W.S. 33-29-140 through  
8 33-29-149 or any provision of the rules or regulations of  
9 the board or any lawful order of the board;

10

11 (ix) Has failed to cooperate in any board  
12 investigation or request for information by the board;

13

14 (x) Has made a false statement or signs a false  
15 statement, licensure or affidavit to induce payment;

16

17 (xi) Violates any term of probation imposed by  
18 the board;

19

20 (xii) Uses a seal or practices engineering or  
21 land surveying while the professional engineer's or land  
22 surveyor's license is suspended, revoked, expired or  
23 inactive;

24

1           (xiii) Signs, affixes or permits the licensee's  
2 seal or signature to be affixed to any specification,  
3 report, drawing, plan, plat, design information,  
4 construction document or calculation, survey or revision  
5 thereof which has not been prepared by the licensee or  
6 under the licensee's responsibility or direct personal  
7 supervision;

8

9           (xiv) Engages in dishonorable, unethical or  
10 unprofessional conduct as defined by the board's rules and  
11 regulations.

12

13           (b) In addition to, or in lieu of, any other penalty  
14 provided in this section, any licensee who violates a  
15 provision of this act or any rule or regulation pertaining  
16 thereto, the board may impose a civil penalty in an amount  
17 not to exceed two thousand five hundred dollars (\$2,500.00)  
18 per offense, plus investigation and hearing costs. In  
19 determining the amount of civil penalty to be assessed, the  
20 board may consider the following factors:

21

22           (i) Whether the amount imposed will be a  
23 substantial economic deterrent to the violation;

24

1           (ii) The circumstances leading to the violation;

2

3           (iii) The severity of the violation; and

4

5           (iv) The risk of, or actual harm to the public.

6

7           (c) Upon reasonable grounds to believe that a person  
8 under the board's authority has committed acts in violation  
9 of this act, the board may conduct investigations, hearings  
10 and proceedings to determine whether a disciplinary action  
11 should be taken against the holder of a license under this  
12 act. No license may be disciplined by the board without  
13 affording the licensee due process of law. The board may  
14 promulgate rules for the practice and procedure concerning  
15 investigations and disciplinary action against licensees in  
16 accordance with this act and the Wyoming Administrative  
17 Procedure Act.

18

19           (d) Disciplinary action may be informally settled by  
20 the board and the holder of a certificate under this act  
21 who is the subject of the action either before or after  
22 initiation of hearing proceedings in accordance with the  
23 provisions of W.S. 16-3-107(n).

24

1           (e) Any person whose license has been denied,  
2 suspended or revoked pursuant to this act may apply for  
3 reinstatement to the board after fulfilling those  
4 requirements determined by the board. The application  
5 shall be made in writing and in the form prescribed by the  
6 board. The board may grant or deny the application or it  
7 may modify its original findings to reflect any  
8 circumstances that have changed sufficiently to warrant  
9 modification.

10

11           (f) As a result of disciplinary action, the board may  
12 in addition to the other powers and duties, issue, renew or  
13 reinstate a license subject to reasonable conditions which  
14 the board may impose.

15

16           (g) A final decision of the board is subject to  
17 judicial review as provided by law.

18

19           (h) Upon receipt from the department of family  
20 services of a certified copy of an order from a court to  
21 withhold, suspend or otherwise restrict a permit issued by  
22 the board, the board shall notify the party named in the  
23 court order of the withholding, suspension or restriction  
24 of the permit in accordance with the terms of the court

1 order. No appeal under the Wyoming Administrative Procedure  
2 Act shall be allowed for a permit withheld, suspended or  
3 restricted under this subsection.

4

5 **33-29-168. Confidentiality of records.**

6

7 The following board records and papers are of a  
8 confidential nature and shall not be deemed public records:  
9 examination material for examinations not yet given, file  
10 records of examination problems and solutions, exam scores,  
11 letters of inquiry and reference concerning applicants,  
12 transcripts of college courses and grades, electronic mail  
13 addresses, board inquiry forms concerning applicants,  
14 pending and closed complaints and investigative files until  
15 a formal hearing may commence or until final disciplinary  
16 action is taken, cases dismissed without disciplinary  
17 action, all other materials of similar confidential nature,  
18 and information otherwise protected by law.

19

20 **33-29-169. Practice by business entities.**

21

22 (a) A firm that practices or offers to practice  
23 engineering or land surveying shall be required to obtain a

1 certificate of authorization by the board in accordance  
2 with its rules.

3

4 (b) An engineering or land surveying firm desiring a  
5 certificate of authorization shall file with the board a  
6 complete application using a form provided by the board. A  
7 form provided by the board shall be filed with the board  
8 upon renewal or within thirty (30) days of the time any  
9 information contained on the application form is changed or  
10 differs for any reason. If in the judgment of the board  
11 the application meets the requirements of this act, the  
12 board shall issue a certificate of authorization for the  
13 firm to practice engineering or land surveying.

14

15 (c) A certificate of authorization shall not be  
16 required for a firm performing engineering or land  
17 surveying for the firm itself or a parent or subsidiary of  
18 the firm.

19

20 (d) No firm shall be relieved of responsibility for  
21 the conduct or acts of its agents, employees, officers,  
22 partners, members or managers by reason of its compliance  
23 with the provisions of this section. No individual  
24 practicing engineering or land surveying under the

1 provisions of this act shall be relieved of responsibility  
2 for engineering or land surveying services performed by  
3 reason of employment or other relationship with a firm  
4 holding a certificate of authorization.

5

6 **33-29-170. Public works.**

7

8 No state, county or local government agency or authority,  
9 or officials or employees thereof, shall engage in the  
10 practice of engineering or land surveying involving either  
11 public or private property without the project being under  
12 the direct charge and supervision of a professional  
13 engineer for an engineering project or a professional land  
14 surveyor for a land surveying project.

15

16 **33-29-171. Exemptions and limitations.**

17

18 (a) Nothing in this act shall be construed to prevent  
19 the practice by:

20

21 (i) An officer or employee of the United States  
22 practicing within the scope of his authority and employment  
23 except when filing water rights or water right petitions

1 with the state of Wyoming as provided in title 41 of the  
2 Wyoming statutes;

3

4 (ii) Any other legally recognized profession;

5

6 (iii) An employee of a licensee or of a person  
7 exempt from licensure, if the employment does not involve  
8 direct responsibility for design, inspection or  
9 supervision;

10

11 (iv) Any full-time employee of any business  
12 entity while doing work for that entity, provided that any  
13 map, plat, plan or design filed in any office of public  
14 record in this state shall be made and certified by a  
15 licensed professional engineer or professional land  
16 surveyor as provided by W.S. 33-29-173. This exemption  
17 shall not apply to any business entity offering its  
18 services to the public as professional engineers or  
19 professional land surveyors or to any business entity  
20 engaged in designing and supervising the building of works  
21 for public or private interests not their own;

22

23 (v) An employee or a subordinate of a person  
24 holding a certificate of licensure under this act, or an

1 employee of a person practicing lawfully under paragraph  
2 (ii) of this subsection, provided the work does not include  
3 final engineering or land surveying designs or decisions  
4 and is done under the direct supervision of and verified by  
5 a person holding a certificate of licensure under this act  
6 or a person practicing lawfully under paragraph (ii) of  
7 this subsection.

8

9 **33-29-172. Violations; penalty.**

10

11 (a) No person shall engage in the practice of  
12 professional engineering or professional land surveying as  
13 defined in this act without a valid current license except  
14 as otherwise permitted pursuant to W.S. 33-29-171.

15

16 (b) Violation of any provision of this act shall  
17 constitute a misdemeanor and upon conviction, the person  
18 shall be subject to a fine of not more than one thousand  
19 dollars (\$1,000.00), imprisonment for not more than one (1)  
20 year, or both.

21

22 (c) The district attorney of the county in which the  
23 misdemeanor is committed shall prosecute the case upon

1 proper information of the board or any other interested  
2 party.

3

4 **33-29-173. Maps, plats, plans or designs for filing**  
5 **to be made and certified by professional engineer or**  
6 **surveyor; exception; size of maps.**

7

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

1

2 (i) Size A - Eight and one-half (8 1/2) inches  
3 wide and eleven (11) inches long;

4

5 (ii) Size AA - Eight and one-half (8 1/2) inches  
6 wide and fourteen (14) inches long;

7

8 (iii) Size AAA - Eleven (11) inches by seventeen  
9 (17) inches;

10

11 (iv) Size B - Fifteen (15) inches long and ten  
12 and three-fourths (10 3/4) inches wide. There shall be a  
13 minimum of one and one-half (1 1/2) inches margin on the  
14 left side of the short dimension for a binding edge; the  
15 remaining three (3) margins shall be one-fourth (1/4) inch  
16 each;

17

18 (v) Size C - Thirty-six (36) inches long and  
19 twenty-two (22) inches wide. There shall be a minimum of  
20 one and one-half (1 1/2) inches margin on the left side of  
21 the short dimension for a binding edge; the remaining three  
22 (3) margins shall be one-half (1/2) inch each;

23

1           (vi) Size D - Twenty-one and one-half (21 1/2)  
2 inches long and fifteen (15) inches wide. There shall be a  
3 minimum of one and one-half (1 1/2) inches on the left side  
4 of the long dimension to serve as a binding edge; the three  
5 (3) remaining margins shall be three-eighths (3/8) of an  
6 inch each;

7

8           (vii) Size E - Thirty (30) inches long and  
9 twenty-one and one-half (21 1/2) inches wide. There shall  
10 be a minimum of one and one-half (1 1/2) inches margin on  
11 the left side of the short dimension to serve as a binding  
12 edge; the remaining margins shall be one-half (1/2) inch  
13 each;

14

15           (viii) Size F - Forty (40) inches long and  
16 thirty-five (35) inches wide. There shall be margins of  
17 three-fourths (3/4) of an inch on all edges;

18

19           (ix) Size G - Twenty-four (24) inches by thirty-  
20 six (36) inches. There shall be a minimum of one and one-  
21 half (1 1/2) inches margin on the left side of the short  
22 dimension to serve as a binding edge; the three (3)  
23 remaining margins shall be one-half (1/2) inch each;

24

1           (x) Size H - Eighteen (18) inches by twenty-four  
2 (24) inches. There shall be a minimum of one and one-half  
3 (1 1/2) inches on the left side of the long dimension to  
4 serve as a binding edge; the three (3) remaining margins  
5 shall be three-eighths (3/8) of an inch each.

6  
7           **Section 2.** W.S. 9-1-901, 9-2-1028(a)(v)(B),  
8 9-2-1032(d), 15-1-202(a)(i), 15-1-415(b)(ii), 15-1-418(b),  
9 18-3-402(a)(xxiv), 18-3-704(a)(i) and (iv), 24-1-132(d),  
10 24-2-110(f)(i), 30-5-108, 33-4-117(b)(iii),  
11 33-29-141(a)(viii) and (ix), 33-29-147, 33-41-117(a)(iv),  
12 33-41-121, 35-11-304(a)(iv), 41-3-114(d), 41-3-308(a) and  
13 41-3-309(a) are amended to read:

14  
15           **9-1-901. Qualifications.**

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

22  
23           **9-2-1028. Definitions.**

24

1 (a) As used in this act:

2

3 (v) "Professional services" means:

4

5 (B) The practice of engineering or land  
6 surveying pursuant to W.S. ~~33-29-114 through 33-29-149~~  
7 33-29-150 through 33-29-173.

8

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

10

11 (d) Each contract for professional services entered  
12 into by the principal representative shall contain a  
13 prohibition against gratuities, kickbacks and contingent  
14 fees. The architect, ~~registered~~licensed land surveyor or  
15 professional engineer shall certify under oath that he has  
16 not in any way been involved in any gratuities, kickbacks,  
17 or contingent fees in connection with his selection or  
18 ultimate performance of this contract.

19

20 **15-1-202. Survey, map and census; contents;**  
21 **affidavits.**

22

23 (a) Any person intending to apply for the  
24 incorporation of a town shall:

1

2 (i) Have prepared an accurate survey and map of  
3 the territory intended to be embraced within its limits,  
4 which shall be made by a land surveyor ~~registered~~licensed  
5 under the laws of Wyoming and shall show the courses and  
6 distances of the boundaries of the territory, the quantity  
7 of land embraced and be accompanied by the affidavit of the  
8 surveyor. In preparing an accurate survey and map of the  
9 territory intended to be embraced within the town limits, a  
10 land surveyor ~~registered~~licensed under the laws of Wyoming  
11 may reference or adopt courses and distances of the  
12 boundaries of the territory from subdivision plats made by  
13 a land surveyor ~~registered~~licensed under the laws of  
14 Wyoming, platted in accordance with the provisions of W.S.  
15 34-12-101 through 34-12-104;

16

17 **15-1-415. Additions to cities or towns by subdividing**  
18 **landowners; plat requirements; filing and effect thereof;**  
19 **controlling layout of streets.**

20

21 (b) The plat shall:

22

23 (ii) Have appended a survey made by a land  
24 surveyor ~~registered~~licensed under the laws of this state

1 with a certificate that he has accurately surveyed the  
2 addition, and that the parts thereof are accurately staked  
3 off and marked with an appropriate metal monument including  
4 magnetic iron, inscribed at least with the registration  
5 number of the land surveyor to provide source  
6 identification, at all lot corners and survey control  
7 points of the addition.

8

9 **15-1-418. Annexing contiguous cities or towns;**  
10 **annexation ordinance; filing.**

11

12 (b) A certified copy of the annexation ordinance  
13 including a legal description of the area and the map  
14 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance  
15 with W.S. ~~33-29-139~~ 33-29-173 shall be filed with the  
16 county clerk of the county in which the action has taken  
17 place.

18

19 **18-3-402. Duties generally.**

20

21 (a) The county clerk shall:

22

1           (xxiv) File maps as defined in W.S. ~~33-29-139~~  
2 33-29-173. The county clerk shall charge a fee of twenty-  
3 five dollars (\$25.00) for filing the maps.

4

5           **18-3-704. Establishment of lost corners.**

6

7           (a) Whenever the location of any monument which marks  
8 the corner of any tract or tracts of land is in dispute  
9 between the owners of the adjoining lands, the monument  
10 shall be established as follows:

11

12           (i) The county surveyor of the county in which  
13 the corner is located or any ~~registered~~-licensed land  
14 surveyor employed by one of the landowners shall  
15 immediately give notice in writing to all parties  
16 interested in the establishment of the corner, giving at  
17 least thirty (30) days notice and naming a day when he will  
18 make the necessary surveys to establish or restore the  
19 corner. If written notice cannot be made upon the owners or  
20 their agents because of nonresidence, then the notice shall  
21 be published once each week for four (4) consecutive weeks  
22 in a newspaper published in the county, or if there is no  
23 newspaper published in the county then in a newspaper of  
24 general circulation published nearest such county;

1

2 (iv) Any ~~registered~~licensed land surveyor  
3 rendering service under this section is entitled to fees  
4 and other incident expense to be collected equally from all  
5 interested parties.

6

7 **24-1-132. Contracts for county bridge work; bids;**  
8 **exception.**

9

10 (d) All bridges to be constructed shall be designed  
11 by a professional engineer who holds a valid ~~certificate of~~  
12 ~~registration~~license granted by the ~~state~~Wyoming board of  
13 ~~examining for professional~~ engineers ~~of the state of~~  
14 ~~Wyoming~~and professional land surveyors. Plans and  
15 specifications shall be prepared in accordance with the  
16 provisions of W.S. 24-2-106.

17

18 **24-2-110. Cooperation with counties in construction**  
19 **of county roads; allocation of costs; state-county road**  
20 **construction account established.**

21

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

24

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

4  
5           **30-5-108. State oil and gas supervisor; appointment;**  
6 **duties; authority of commission to appoint other employees;**  
7 **payment of traveling and living expenses.**

8  
9 To enable the commission to carry out its duties and powers  
10 under the laws of this state with respect to conservation  
11 of oil and gas, and to enforce the rules and regulations so  
12 prescribed, the commission shall appoint one (1) chief  
13 administrator who shall be a qualified and ~~registered~~  
14 licensed professional petroleum engineer or petroleum  
15 geologist who shall be designated and known as the "State  
16 Oil and Gas Supervisor." Such supervisor shall hold office  
17 at the pleasure of the commission and shall receive a  
18 salary, to be fixed by the commission. The state oil and  
19 gas supervisor shall be charged with such duties as are  
20 delegated by the commission, and in addition thereto he  
21 shall investigate charges and complaints of violation of  
22 the laws of this state with respect to conservation of oil  
23 and gas, and any order, rules and regulation of the  
24 commission made in connection therewith, and report

1 concerning all such violations to the commission. The  
2 commission may at any time, when it finds that the public  
3 interest will be served thereby appoint such other  
4 employees as are found to be necessary, to assist the  
5 commission and the state oil and gas supervisor in the  
6 discharge of their respective duties. All employees or  
7 assistants authorized by this act shall be paid their  
8 necessary traveling and living expenses when traveling on  
9 official business, at such rates and within such limits as  
10 may be fixed by the commission, subject to existing law.

11

12 **33-4-117. Exemptions.**

13

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

15

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

21

22 **33-29-141. Definitions.**

23

1 (a) Except where the context indicates a different  
2 meaning, terms used in W.S. 33-29-140 through 33-29-149  
3 shall be defined as follows:

4  
5 (viii) A "~~registered~~licensed land surveyor" is  
6 a surveyor who is ~~registered~~licensed to practice land  
7 surveying under W.S. ~~33-29-114 through 33-29-139~~33-29-150  
8 through 33-29-173, and has a current ~~certificate~~license  
9 for that calendar year;

10

11 (ix) The "board" is the ~~state~~Wyoming board ~~of~~  
12 ~~registration~~ for professional engineers and professional  
13 land surveyors.

14

15 **33-29-147. Signature on corner record required.**

16

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

22

23 **33-41-117. Exemptions.**

24

1 (a) The following are exempt from the licensing  
2 provisions of this act if they do not use the title of  
3 professional geologist or are not directly represented or  
4 held out to the public to be legally qualified to engage in  
5 the practice of geology before the public:

6

7 (iv) Qualified engineers and land surveyors,  
8 ~~registered~~ licensed by the Wyoming board ~~of registration~~  
9 for professional engineers and professional land surveyors  
10 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-150  
11 through 33-29-173 are exempt from the registration  
12 provisions of this act, providing, that no name, title, or  
13 words are used which tend to convey the impression that a  
14 nonregistered individual is offering to perform services as  
15 a professional geologist;

16

17 **33-41-121. Applicability.**

18

19 This act shall not be construed as repealing or amending  
20 any law affecting or regulating licensed professional  
21 engineers and professional land surveyors pursuant to the  
22 provisions of W.S. ~~33-29-114 through 33-29-139~~ 33-29-150  
23 through 33-29-173, nor shall this act be construed to  
24 affect or prevent the practice of any other legally

1 recognized profession by the members of the profession  
2 licensed by the state or under its authority.

3

4 **35-11-304. Administrator required to delegate certain**  
5 **management functions to local governmental entities.**

6

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

19

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

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

6

7 **41-3-114. Petition to change point of diversion or**  
8 **means of conveyance.**

9

10 (d) Such petitions shall be accompanied by ~~maps~~ a map  
11 in ~~duplicate, one (1) of which shall be on tracing linen of~~  
12 ~~a size~~ a format required by the state engineer and state  
13 board of control, prepared under certificate of a  
14 ~~registered~~ licensed land surveyor in conformance with W.S.  
15 33-29-173, and showing accurately the location of the  
16 stream, the location of the ditch or ditches involved,  
17 location of any intervening diversions, and if for  
18 irrigation, the location of the lands changed or affected  
19 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 3.** W.S. 33-29-114 through 33-29-139 are  
5 repealed.

6

7 **Section 4.** Licensure under the provisions of W.S.  
8 33-29-114 through 33-29-139 prior to July 1, 2008 shall be  
9 considered as years of experience for the purposes of this  
10 act.

11

12 **Section 5.** This act is effective July 1, 2008.

13

14

(END)