

## HOUSE BILL NO. HB0277

Surveyors and engineers.

Sponsored by: Representative(s) Jorgensen, Hammons,  
Lockhart, Martin and Petersen 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 33-29-175 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 engaged in professional engineering or land surveying  
24 practice which requires licensure in this state and who has

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

5  
6           (vi)   "Land surveyor intern" means a person who  
7   has qualified for, taken and passed an examination in the  
8   fundamental surveyor intern subjects as provided by this  
9   act;

10  
11           (vii)   "Licensee" means any person licensed with  
12   the board under this act;

13  
14           (viii)   "Managing agent" means a natural person  
15   who is licensed and who has been designated managing agent  
16   by the firm.   The managing agent shall be responsible for  
17   the engineering or land surveying work in this state or for  
18   projects or property within this state offered or provided  
19   by the firm.   A licensee shall not be designated as a  
20   managing agent for more than one (1) firm.   An engineer or  
21   land surveyor who renders occasional, part-time or  
22   consulting engineering or land surveying services to or for  
23   a firm shall not be designated as a managing agent.   The  
24   managing agent's responsibilities shall include:

1

2 (A) Renewal of the certificate of authority  
3 and notification to the board of any change in the managing  
4 agent;

5

6 (B) Overall supervision of the firm's  
7 licensed and subordinate personnel who provide engineering  
8 or land surveying work in this state;

9

10 (C) Instituting and insuring adherence to  
11 policies of the firm relative to the rules of professional  
12 conduct adopted by the board.

13

14 (ix) "Practice of engineering" means any service  
15 or creative work the adequate performance of which requires  
16 engineering education, training and experience and the  
17 application of special knowledge of the mathematical,  
18 physical and engineering sciences to adequately perform  
19 those services or creative work. It shall include  
20 consultation, investigation, expert technical testimony,  
21 evaluation, planning, design and design coordination of  
22 engineering works and systems; planning the use of land,  
23 air and water; teaching of advanced engineering subjects;  
24 performing engineering surveys and studies; and the review

1 or management of construction for the purpose of monitoring  
2 or ensuring compliance with drawings and specifications  
3 when those services require the application of engineering  
4 principles. It shall embrace such services or work in  
5 connection with utilities, structures, buildings, machines,  
6 equipment, processes, work systems, projects, communication  
7 systems, transportation systems and industrial or consumer  
8 products; or equipment of control systems, communications,  
9 mechanical, electrical, hydraulic, pneumatic, petroleum,  
10 nuclear, mining, chemical, environmental or equipment of a  
11 thermal nature, insofar as they involve safeguarding life,  
12 health or property, and include such other professional  
13 services as may be necessary for the planning, progress and  
14 completion of any engineering services. Design  
15 coordination includes the review and coordination of those  
16 technical submissions prepared by others, including as  
17 appropriate and without limitation, consulting engineers,  
18 architects, landscape architects, land surveyors,  
19 geologists and other professionals working under the  
20 direction of the engineer. Engineering surveys include all  
21 survey activities required to support the sound conception,  
22 planning, design, construction, maintenance and operation  
23 of engineered projects, but exclude the surveying of real  
24 property for the establishment of land boundaries, rights-

1 of-way, easements and the dependent or independent surveys  
2 or resurveys of the public land survey system. A person  
3 shall be deemed to be practicing or offering to practice  
4 engineering if he practices any branch of the profession of  
5 engineering, or by verbal claim, sign, advertisement,  
6 letterhead, card or any other manner represents himself to  
7 be a professional engineer, or through the use of some  
8 other title implies that he is a professional engineer or  
9 that he is licensed under this act, or holds himself out as  
10 able to perform or does perform any engineering service or  
11 work or any other service designated by the practitioner  
12 which is recognized as engineering;

13

14 (x) "Practice of land surveying" means to  
15 provide or offer to provide professional services using the  
16 sciences of mathematics, geodesy and photogrammetry and  
17 involves both:

18

19 (A) The making of geometric measurements  
20 and gathering related information pertaining to the  
21 physical or legal features of the earth, improvements on  
22 the earth, the space above, on or below the earth and the  
23 research, investigation and teaching of advanced surveying  
24 subjects, evaluation and planning; and

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(B) Providing, utilizing or developing the result of the activities listed in subparagraph (A) of this paragraph into survey products such as graphics, data, maps, plans, reports, descriptions or projects.

(xi) "Professional 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 and who has been duly licensed as a professional engineer by the board. The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence on the basis of education, experience and examination;

(xii) "Professional land surveyor" means a person who has been duly licensed as a professional land surveyor by the board established by this act, and who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics and the related physical and applied sciences, and the relevant

1 requirements of law for adequate evidence required to  
2 survey real property, and who is engaged in the practice of  
3 surveying as defined by this act. The board may designate  
4 a professional land surveyor on the basis of education,  
5 experience and examination;

6  
7 (xiii) "Professional services" means as provided  
8 by this paragraph. A person shall be deemed to be  
9 practicing or offering to practice land surveying within  
10 the meaning and intent of this act if he engages in land  
11 surveying, or by verbal claim, sign, advertisement,  
12 letterhead, card or in any other manner represents himself  
13 to be a professional land surveyor, or through the use of  
14 some other title implies that he is able to perform, or who  
15 does perform any land surveying service or work or any  
16 other service designated by the practitioner which is  
17 recognized as land surveying. Design coordination includes  
18 the review and coordination of those technical submissions  
19 prepared by others, including as appropriate and without  
20 limitation, consulting engineers, architects, landscape  
21 architects, land surveyors, geologist and other  
22 professionals working under the direction of the engineer  
23 or land surveyor. Professional services shall include  
24 consultation, investigation, design coordination, testimony

1 evaluation, expert technical testimony, planning, mapping,  
2 assembling and interpreting gathered measurements and  
3 information related to any one (1) or more of the  
4 following:

5

6 (A) Determining by measurement the  
7 configuration or contour of the earth's surface or the  
8 position of fixed objects thereon;

9

10 (B) Determining by geodetic surveys the  
11 size and shape of the earth or the position of any point on  
12 the earth;

13

14 (C) Locating, relocating, establishing,  
15 reestablishing or retracing property lines or boundaries of  
16 any tract of land, road, right-of-way or easement;

17

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

20

21 (E) Locating or laying out control for  
22 alignments, positions or elevations for the construction of  
23 fixed works;

24

1                   (F) Determining, by the use of principles  
2 of surveying, the position for any survey monument,  
3 boundary or nonboundary, or reference point, or  
4 establishing or replacing any such monument or reference  
5 point;

6  
7                   (G) Creating, preparing or modifying  
8 electronic, computerized or other data relative to the  
9 performance of the activities in the described activities  
10 in this paragraph.

11  
12                  (xiv) "Responsible charge" means direct charge  
13 and control and personal supervision of engineering work or  
14 land surveying. Only a professional engineer or  
15 professional land surveyor may legally assume responsible  
16 charge under this act;

17  
18                  (xv) "Seal" means a symbol, image or list of  
19 information adopted in accordance with board rules and  
20 regulations;

21  
22                  (xvi) "This act" means W.S. 33-29-150 through  
23 33-29-175.

24

1           **33-29-151.   Creation of board.**

2

3           (a) The Wyoming board for professional engineers and  
4 professional land surveyors is created to consist of eight  
5 (8) members appointed by the governor for a term of four  
6 (4) years plus the state engineer who shall serve during  
7 his term in office. The board shall be composed of five  
8 (5) professional engineers as provided by this subsection.  
9 A maximum of two (2) of the five (5) professional engineers  
10 may hold dual licensure in engineering and land surveying.  
11 The board shall be comprised as follows:

12

13                   (i) The state engineer;

14

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

17

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

20

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

23

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) professional land surveyors who are  
6 engaged in private practice and (1) professional land  
7 surveyor who holds dual licensure in engineering and land  
8 surveying.

9

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

14

15          (c) Each member of the board shall receive a  
16 certificate of appointment from the governor, and before  
17 beginning his term of office, he shall file with the  
18 secretary of state the constitutional oath of office.

19

20           **33-29-152. Qualifications of board members.**

21

22          (a) Each member of the board shall be a citizen of  
23 the United States and a resident of this state. Each  
24 engineer member of the board shall have been engaged in the

1 lawful practice of engineering as a professional engineer  
2 for not less than twelve (12) years, have been in charge of  
3 engineering services for not less than five (5) years, and  
4 shall be a licensed professional engineer in this state.

5  
6 (b) Each member who is a land surveyor shall have  
7 been engaged in the lawful practice of land surveying as a  
8 professional land surveyor for not less than twelve (12)  
9 years active professional experience and shall have been in  
10 responsible charge of land services for not less than five  
11 (5) years as attested by registration under this chapter.

12  
13 **33-29-153. Compensation of board members.**

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

21  
22 **33-29-154. Organization of board.**

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

6

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

10

11           **33-29-155. Powers and duties of board.**

12

13           (a) Responsibility for enforcement of this act is  
14 vested in the board. The board shall have all duties,  
15 powers and authority specifically granted by and necessary  
16 to the enforcement of this act.

17

18           (b) The board may make, adopt, amend, repeal and  
19 enforce reasonable rules and regulations necessary for the  
20 proper administration and enforcement of this act, the  
21 board's meetings, procedures, records, examinations and the  
22 conduct thereof. The board shall also adopt rules and  
23 regulations for professional conduct. Rules adopted by the  
24 board shall be binding upon any person licensed under this

1 act and any nonlicensed person found by the board to be in  
2 violation of the provisions of this act. The rules shall  
3 be applicable to any business entity holding a license of  
4 authorization. The board shall adopt an official seal  
5 which shall be affixed to each license issued by the board.

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

10  
11 (d) In carrying out the provisions of this act, the  
12 board may subpoena witnesses and compel their attendance,  
13 and also may require the submission of books, papers,  
14 documents or other pertinent data, in any disciplinary  
15 matter, or in any case wherever a violation of this act is  
16 alleged. Upon failure or refusal to comply with any lawful  
17 order of the board, or upon failure to honor its subpoena  
18 as herein provided, the board may apply to any Wyoming  
19 court to enforce compliance with the provisions of this  
20 subsection.

21  
22 (e) The board may apply for relief by injunction in  
23 the established manner provided in civil cases, without  
24 bond, to enforce the provisions of this act or to restrain

1 any violation thereof. In those proceedings, it shall not  
2 be necessary to allege or prove either that an adequate  
3 remedy at law does not exist or that substantial or  
4 irreparable damage would result from the continued  
5 violation thereof. The members of the board shall not be  
6 personally liable for instituting these proceedings.

7  
8 (f) The board may subject an applicant for licensure  
9 to examinations it deems necessary to determine the  
10 applicant's qualifications.

11  
12 (g) The board shall have the power and authority to  
13 require a demonstration of continuing professional  
14 competency of engineers and land surveyors as a condition  
15 of renewal or relicensure.

16  
17 (h) The board shall have the authority for the  
18 citation and fining of persons engaged in the unlawful  
19 practice of engineering or land surveying who are not  
20 licensed in this state as provided by law.

21  
22 (j) No action or other legal proceedings for damages  
23 shall be instituted against the board or against any board  
24 member or employee or agent of the board for any act done

1 in good faith and in the intended performance of any power  
2 granted under this act or for any neglect or default in the  
3 performance or exercise in good faith of any duty or power.  
4

5 (k) The board shall have the power and authority to  
6 waive requirements of this act pertaining to land surveying  
7 or engineering licensure provided consideration is given to  
8 safeguarding life, health and property and promoting the  
9 public welfare.  
10

11 (m) In carrying out the duties, functions and  
12 obligations of this act, the board may contract with any  
13 Wyoming agency or private vendor as the board considers  
14 appropriate. The board may also enter into contracts to  
15 acquire, own, encumber, issue, replace, deal in and dispose  
16 of real and personal property.  
17

18 (n) The board shall have the power to appoint  
19 committees as it deems necessary to assist the board in  
20 carrying out its responsibilities under this act. Any  
21 individual appointed by the board to serve on a committee  
22 or otherwise carryout the functions of this act is entitled  
23 to reimbursement of expenses as approved by the board.  
24

1           (o) The board shall have the power to employ a board  
2 administrator and staff to properly perform its work and  
3 to assist in carrying out the responsibilities of this act.  
4 Any individual employed by the board shall receive a salary  
5 and salary adjustments as the board shall determine.

6  
7           (p) The board shall have the power to adopt and  
8 collect fees in amounts necessary to enable the board to  
9 carry out its functions under this act as provided by W.S.  
10 33-1-201. The board administrator shall receive and  
11 account for all monies received under the provisions of  
12 this act. There is created the professional engineer and  
13 professional surveyors' account. Any expenditures from the  
14 account shall be made only upon requisition submitted by  
15 the board administrator or secretary-treasurer. Any monies  
16 in the account are hereby specifically appropriated for the  
17 use of the board. The board administrator and secretary-  
18 treasurer shall file a surety bond with the state treasurer  
19 in such sum as may be required by the state treasurer. The  
20 premium on the bond shall be regarded as a proper and  
21 necessary expense of the board. The board shall pay  
22 expenditures from the account for any purpose which, in the  
23 opinion of the board, is reasonably necessary for the  
24 proper performance of its duties under this act, including

1 the expenses of the board's delegates to meetings of, and  
2 membership fees to, any national organization including  
3 miscellaneous expenses associated with election to regional  
4 or national offices deemed appropriate by the board. Under  
5 no circumstance shall the total amount of warrants issued  
6 in payment of the expenses and compensation provided for in  
7 this act exceed the amount of monies collected in the  
8 account. The board shall adopt a budget in accordance with  
9 accepted accounting principles and any applicable state  
10 law. Periodic budget status reports showing classifications  
11 of expenditures and revenues shall be made available to the  
12 public and any interested party. An annual financial  
13 report shall be made by the board administrator and  
14 secretary-treasurer as provided by law.

15

16 (q) The board shall be authorized to use electronic  
17 transmissions for all purposes permitted under this act.

18

19 (r) The board may establish or adopt by rule and  
20 regulation minimum standards of practice for professional  
21 land surveyors.

22

23 **33-29-156. Petition for injunction.**

24

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

6  
7           (b) The district court of the district in which the  
8 offending party resides or the district court of Laramie  
9 county shall have original jurisdiction of any injunction  
10 proceedings.

11  
12           (c) In a petition for injunction pursuant to  
13 subsection (a) of this section, it shall be sufficient to  
14 charge that the respondent on a day certain in a named  
15 county engaged in the practice of engineering or land  
16 surveying without a license and without being exempt under  
17 this act from licensure requirements. No showing of actual  
18 damage or injury shall be required.

19  
20           (d) The petition shall be filed in the name of the  
21 state by the board or at the request of the board by the  
22 attorney general or any county or district attorney in any  
23 county where the respondent resides or may be found.

24

1           (e) Issuance of an injunction shall not relieve  
2 respondent from being subject to any other proceeding under  
3 this act. Any violation of an injunction shall be punished  
4 as contempt of court.

5

6           **33-29-157. Annual report of board; filing copies of**  
7 **lists of licensees.**

8

9 In October of each year the board shall make a report to  
10 the governor. A complete roster showing the names and last  
11 known address of all licensed professional engineers and  
12 licensed professional land surveyors shall be published by  
13 the board administrator once each year in a format approved  
14 by the board.

15

16           **33-29-158. Technical licensure fund.**

17

18 The secretary-treasurer or board administrator shall  
19 transmit to the state treasurer all fees or other revenues  
20 received by the board to be credited to the account created  
21 by W.S. 33-29-155. Revenues of the board shall be subject  
22 at all times to the warrant of the state auditor, drawn  
23 upon written requisition of the secretary-treasurer of the

1 board or board administrator for payment of any expenses  
2 received by the board.

3  
4 **33-29-159. Immunity from personal liability.**

5  
6 (a) A member, agent or employee of the board and any  
7 person reporting information to the board under oath shall  
8 be immune from personal liability with respect to any act  
9 done and any action taken in good faith without fraud or  
10 malice.

11  
12 (b) The immunity provided by this section shall  
13 extend to any member of any professional review committee,  
14 investigator or witness appearing before the committee or  
15 board.

16  
17 **33-29-160. License required for the practice of**  
18 **engineering or land surveying.**

19  
20 The practice of engineering and land surveying is a  
21 privilege which shall be granted by the licensing board  
22 pursuant to this act based on the qualifications of the  
23 person or business entity as evidenced by certificate of  
24 licensure. In order to safeguard life, health and property

1 and to promote the public welfare, any person or business  
2 entity in either public or private capacity desiring to  
3 practice or offer to practice professional engineering or  
4 professional land surveying in Wyoming shall be required to  
5 submit evidence to the board showing that the applicant is  
6 qualified to practice and shall be licensed as provided by  
7 this act and board rules and regulations.

8  
9 **33-29-161. Qualifications for intern licensure.**

10  
11 (a) An applicant for intern licensure as an engineer  
12 shall be of good moral character and repute. A college  
13 senior or graduate of an engineering program of four (4)  
14 years or more accredited by an agency approved by the  
15 board, or its equivalent, shall be admitted to an eight (8)  
16 hour written examination in the fundamentals of  
17 engineering. Upon passing the examination and providing  
18 proof of graduation from the engineering program, the  
19 applicant shall be certified or enrolled as an engineer  
20 intern if otherwise qualified.

21  
22 (b) An applicant for intern licensure as a land  
23 surveyor shall be of good moral character and repute. The  
24 following shall apply:

1

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

10

11 (ii) A graduate of a program related to  
12 surveying of four (4) years or more as approved by the  
13 board and with a specific record of two (2) years of  
14 progressive experience in surveying shall be admitted to an  
15 eight (8) hour written examination in the fundamentals of  
16 surveying. Upon passing the examination, the applicant  
17 shall be certified or enrolled as a surveyor intern, if  
18 otherwise qualified;

19

20 (iii) A graduate of a four (4) year or more  
21 program not directly related to surveying, but which  
22 contains sufficient education in surveying acceptable to  
23 the board and with a specific record of four (4) years of  
24 progressive experience in surveying shall be admitted to an

1 eight (8) hour written examination in the fundamentals of  
2 surveying. Upon passing the examination, the applicant  
3 shall be certified or enrolled as a surveyor intern, if  
4 otherwise qualified;

5  
6 (iv) The applicant shall have a bachelor of  
7 science degree in a land surveying or engineering  
8 curriculum approved by the board which curriculum included  
9 at least thirty (30) semester credit hours in surveying,  
10 mapping and other courses approved by the board. This  
11 paragraph is repealed effective June 30, 2013;

12  
13 (v) The applicant shall have an associate degree  
14 in a surveying technology curriculum approved by the board  
15 plus four (4) years of combined office and field experience  
16 in land surveying, of which two (2) years shall have been  
17 in charge of land surveying projects under the supervision  
18 of a registered land surveyor. This paragraph is repealed  
19 effective June 30, 2013;

20  
21 (vi) Unless exempt under W.S. 33-29-166(c), the  
22 applicant shall pass the fundamentals of surveying  
23 examination.

1           **33-29-162. Qualifications for professional licensure.**

2

3           (a) The following shall apply to an applicant for  
4 professional registration:

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. 33-29-166, the  
2 applicant shall pass the fundamentals and professional  
3 examination in the discipline in which licensure is sought.  
4

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

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

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

14           (iii) An applicant which has a specific record  
15 of an additional four (4) years of combined office and  
16 field experience satisfactory to the board in land  
17 surveying of which a minimum of three (3) years'  
18 progressive experience has been on land surveying projects  
19 under the supervision of a professional land surveyor,  
20 shall be admitted to an eight (8) hour written examination  
21 in the principles and practice of surveying. Upon passing  
22 the examination, the applicant shall be granted a  
23 certificate of licensure to practice surveying in this  
24 state, provided the applicant is otherwise qualified;

1

2 (iv) Unless exempt under W.S. 33-29-166, the  
3 applicant shall pass the intern and professional  
4 examinations.

5

6 (c) Notwithstanding the requirements in this section,  
7 the board may adopt rules for the licensure of an  
8 international candidate.

9

10 **33-29-163. Application for licensure.**

11

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

21

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

1 applicants which contains all information that is required  
2 on the form prescribed and furnished by the board.

3

4 **33-29-164. 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 other  
18 miscellaneous services may be recovered by the board.

19

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

22

23 **33-29-165. Seals and licenses.**

24

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

8

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

13

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

19

20           (d) It shall be unlawful for any nonlicensee to cause  
21 or permit the illegal use of a licensee's seal, signature  
22 or stamp on any document prepared by the licensee.

23

24           (e) The board shall issue to any applicant who, in

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

10

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

16

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

1

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

15

16       **33-29-166. Licensure without examination.**

17

18       (a) A person holding a certificate of licensure to  
19 engage in the practice of engineering, issued by a proper  
20 authority of a jurisdiction or possession of the United  
21 States, the District of Columbia or any foreign country  
22 based on requirements that do not conflict with the  
23 provisions of this act and possessing credentials that are,  
24 in the judgment of the board, based on a standard not lower

1 than that specified in the licensure act in effect in this  
2 state at the time the license was issued may be licensed  
3 without further examination except as required to present  
4 evidence of knowledge of statutes, rules and design  
5 requirements unique to this state, upon application which  
6 may include a council record from the National Council of  
7 Examiners for Engineering and Surveying.

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) A person holding a certificate of licensure to  
2 engage in the practice of land surveying, issued by a  
3 proper authority of a jurisdiction or possession of the  
4 United States, the District of Columbia or any foreign  
5 country which is based on requirements that do not conflict  
6 with the provisions of this act who possesses credentials  
7 that, in the judgment of the board, meet a standard not  
8 lower than that specified in the licensure act in effect in  
9 this state at the time the license was issued may, upon  
10 application which may include a council record with the  
11 National Council of Examiners for Engineering and  
12 Surveying, be licensed without further examination except  
13 as required to present evidence of knowledge of statutes,  
14 rules and surveying requirements unique to this state.

15

16           **33-29-167. Renewal of licenses; fees and penalties.**

17

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

20

21           (b) A certificate of licensure shall be invalid after  
22 its expiration date unless renewed by payment of the  
23 required renewal fee. If the renewal fee is not paid prior  
24 to the expiration date, it shall be accompanied by a

1 penalty fee established by the board based on the period of  
2 delinquency.

3

4 (c) The board may cancel a certificate of licensure  
5 if it has remained invalid for two (2) years. A new  
6 application accompanied by the application fee for  
7 relicensure and by meeting all requirements of the board  
8 including demonstration of continuing professional  
9 competency shall be required for reinstatement.

10

11 (d) If a licensee is granted inactive status by the  
12 board, the licensee may return to active status by  
13 notifying the board in advance in writing, paying  
14 appropriate fees and meeting all the requirements of the  
15 board, including demonstration of continuing professional  
16 competency for reinstatement.

17

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

20

21 **33-29-168. Revocation of license; censure; probation;**  
22 **hearing; notice of findings; appeal.**

23

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

3

4           (i) Revocation of a licensure or certificate of  
5 authority;

6

7           (ii) Suspension of a license or certificate of  
8 authority;

9

10           (iii) Imposition of an administrative penalty in  
11 an amount not to exceed five thousand dollars (\$5,000.00)  
12 for each violation of this act or rules promulgated under  
13 this act and recover investigation and hearing costs to be  
14 collected, paid to the state treasurer and credited as  
15 provided in W.S. 8-1-109;

16

17           (iv) Imposition of restrictions on the scope of  
18 the licensee's professional practice;

19

20           (v) Imposition of peer review and professional  
21 education requirements;

22

23           (vi) Imposition of probation requirements best  
24 adapted to protect the public safety, health and welfare

1 which may include a requirement for restitution payments to  
2 professional service clients or to other persons suffering  
3 economic loss resulting from a violation of this act or  
4 rules promulgated under this act;

5  
6 (vii) Issuance of a written reprimand.

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

11  
12 (i) Has engaged in any act inconsistent with  
13 uniform and reasonable standards of professional conduct as  
14 defined by board rules and regulations;

15  
16 (ii) Has practiced fraud or misrepresentation:

17  
18 (A) In obtaining a certificate of  
19 licensure, whether in the application or qualification  
20 examination;

21  
22 (B) In submitting any information or record  
23 to the board; or

1 (C) In signing any document as a registered  
2 professional.

3

4 (iii) Is unfit to practice by reason of  
5 incompetence, habitual or gross negligence or other  
6 misconduct in the practice of his profession;

7

8 (iv) Has aided or abetted another to evade or  
9 violate this act or knowingly combined or conspired with an  
10 unlicensed person, or allowed one's license to be used by  
11 an unlicensed person or acted as agent, partner, associate  
12 or otherwise for an unlicensed person with intent to evade  
13 or violate this act;

14

15 (v) Has had a license to practice engineering or  
16 land surveying in another jurisdiction, territory or  
17 possession of the United States denied, revoked, suspended,  
18 restricted or otherwise disciplined other than by reason of  
19 failure to renew or meet education requirements;

20

21 (vi) Has been found guilty by a court or has  
22 entered a plea of nolo contendere to a felony;

23

1           (vii) Has knowingly engaged in an act which the  
2 licensee knew was beyond the scope of his professional  
3 practice as evidenced by limitations on the licensee's  
4 right to practice, or insufficient education and knowledge,  
5 or inability to apply engineering or land surveying  
6 principles and skills;

7

8           (viii) Has violated this act, the Corner  
9 Perpetuation and Filing Act under W.S. 33-29-140 through  
10 33-29-149 or any provision of the rules or regulations of  
11 the board or any lawful order of the board.

12

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

1

2       (d) The accused may appear personally or be  
3 represented by an attorney at the hearing and present  
4 witnesses and evidence in his defense and he may  
5 cross-examine witnesses against him.

6

7       (e) The board shall immediately notify the clerk of  
8 each county in the state and the secretary of state, in the  
9 case of a business entity, of the suspension or revocation  
10 of a license or of the reissuance of a suspended or revoked  
11 license.

12

13       (f) Any person whose license has been denied,  
14 suspended or revoked pursuant to this act may apply for  
15 reinstatement to the board after fulfilling those  
16 requirements determined by the board. The board may grant  
17 or deny the application or it may modify its original  
18 findings to reflect any circumstances that have changed  
19 sufficiently to warrant modifications.

20

21       (g) As a result of disciplinary action, the board may  
22 in addition to the other powers and duties, issue, renew or  
23 reinstate a license subject to reasonable conditions which  
24 the board may impose.

1

2 (h) A final decision of the board is subject to  
3 judicial review as provided by law.

4

5 (j) Upon receipt from the department of family  
6 services of a certified copy of an order from a court to  
7 withhold, suspend or otherwise restrict a permit issued by  
8 the board, the board shall notify the party named in the  
9 court order of the withholding, suspension or restriction  
10 of the permit in accordance with the terms of the court  
11 order. No appeal under the Wyoming Administrative Procedure  
12 Act shall be allowed for a permit withheld, suspended or  
13 restricted under this subsection.

14

15 **33-29-169. Confidentiality of records.**

16

17 The following board records and papers are of a  
18 confidential nature and shall not be deemed public records:  
19 examination material for examinations not yet given, file  
20 records of examination problems and solutions, exam scores,  
21 letters of inquiry and reference concerning applicants,  
22 transcripts of college courses and grades, electronic mail  
23 addresses, board inquiry forms concerning applicants,  
24 pending and closed complaints and investigative files until

1 a formal hearing may commence or until final disciplinary  
2 action is taken, cases dismissed without disciplinary  
3 action, all other materials of similar confidential nature,  
4 and information otherwise protected by law.

5  
6 **33-29-170. Practice by business entities.**

7  
8 (a) A firm that practices or offers to practice  
9 engineering or land surveying shall be required to obtain a  
10 certificate of authorization by the board in accordance  
11 with its rules.

12  
13 (b) An engineering or land surveying firm desiring a  
14 certificate of authorization shall file with the board a  
15 complete application using a form provided by the board. A  
16 form provided by the board shall be filed with the board  
17 upon renewal or within thirty (30) days of the time any  
18 information contained on the application form is changed or  
19 differs for any reason. If in the judgment of the board  
20 the application meets the requirements of this act, the  
21 board shall issue a certificate of authorization for the  
22 firm to practice engineering or land surveying.

1           (c) A certificate of authorization shall not be  
2 required for a firm performing engineering or land  
3 surveying for the firm itself or a parent or subsidiary of  
4 the firm.

5  
6           (d) No firm shall be relieved of responsibility for  
7 the conduct or acts of its agents, employees, officers,  
8 partners, members or managers by reason of its compliance  
9 with the provisions of this section. No individual  
10 practicing engineering or land surveying under the  
11 provisions of this act shall be relieved of responsibility  
12 for engineering or land surveying services performed by  
13 reason of employment or other relationship with a firm  
14 holding a certificate of authorization.

15

16           **33-29-171. Public works.**

17

18 No state, county or local government agency or authority,  
19 or officials or employees thereof, shall engage in the  
20 practice of engineering or land surveying involving either  
21 public or private property without the project being under  
22 the direct charge and supervision of a professional  
23 engineer for an engineering project or a professional land  
24 surveyor for a land surveying project.

1

2       **33-29-172. Exemptions and limitations.**

3

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

6

7               (i) An officer or employee of the United States  
8 practicing within the scope of his authority and employment  
9 except when filing water rights or water right petitions  
10 with the state of Wyoming as provided in title 41 of the  
11 Wyoming statutes;

12

13               (ii) Any other legally recognized profession;

14

15               (iii) An employee of a licensee or of a person  
16 exempt from licensure, if the employment does not involve  
17 direct responsibility for design, inspection or  
18 supervision;

19

20               (iv) Any full-time employee of any business  
21 entity while doing work for that entity, provided that any  
22 map, plat, plan or design filed in any office of public  
23 record in this state shall be made and certified by a  
24 licensed professional engineer or professional land

1 surveyor as provided by W.S. 33-29-175. This exemption  
2 shall not apply to any business entity offering its  
3 services to the public as professional engineers or  
4 professional land surveyors or to any business entity  
5 engaged in designing and supervising the building of works  
6 for public or private interests not their own;

7  
8 (v) An employee or a subordinate of a person  
9 holding a certificate of licensure under this act, or an  
10 employee of a person practicing lawfully under paragraph  
11 (ii) of this subsection, provided the work does not include  
12 final engineering or land surveying designs or decisions  
13 and is done under the direct supervision of and verified by  
14 a person holding a certificate of licensure under this act  
15 or a person practicing lawfully under paragraph (ii) of  
16 this subsection.

17  
18 **33-29-173. Violations.**

19  
20 (a) The board shall have the power to suspend,  
21 revoke, place on probation, fine or reprimand, or refuse to  
22 issue, restore or renew a certificate of licensure to any  
23 professional engineer or professional land surveyor who:

24

1           (i) Is found guilty of the practice of any fraud  
2 or deceit in obtaining or attempting to obtain or renew a  
3 license or certificate of authorization;

4  
5           (ii) Commits any negligence, incompetence or  
6 misconduct in the practice of engineering or land  
7 surveying;

8  
9           (iii) Is convicted of or enters a plea of guilty  
10 or nolo contendere to any crime which is a felony, whether  
11 related to practice or not, and is convicted of or enters a  
12 plea of guilty or nolo contendere to any crime whether a  
13 felony, misdemeanor or otherwise, an essential element of  
14 which is dishonesty or which is directly related to the  
15 practice of engineering or land surveying;

16  
17           (iv) Fails to comply with any of the provisions  
18 of this act or any of the rules or regulations pertaining  
19 thereto;

20  
21           (v) Receives discipline by another jurisdiction,  
22 territory, the District of Columbia, foreign country, the  
23 United States government or any other governmental agency  
24 if at least one (1) of the grounds for discipline is the

1 same or substantially equivalent to those contained in this  
2 section;

3

4 (vi) Fails to provide information requested by  
5 the board as a result of a formal or informal complaint to  
6 the board which would indicate a violation of this act or  
7 rule;

8

9 (vii) Knowingly makes a false statement or signs  
10 a false statement, licensure or affidavit to induce  
11 payment;

12

13 (viii) Aids or assists another person in  
14 violating any provision of this act or rules or regulations  
15 pertaining thereto;

16

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

19

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

24

1           (xi) 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           (xii) Engages in dishonorable, unethical or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud or harm the public;

12  
13           (xiii) Provides false testimony or information  
14 to the board;

15  
16           (xiv) Is habitually intoxicated or addicted to  
17 the use of drugs or alcohol;

18  
19           (xv) Provides engineering or land surveying  
20 services outside any of the licensee's fields of  
21 competence.

22  
23           (b) In addition to or in lieu of any other penalty  
24 provided in this section, any licensee who violates a

1 provision of this act or any rule or regulation pertaining  
2 thereto, the board may impose a civil penalty in an amount  
3 not to exceed five thousand dollars (\$5,000.00) plus  
4 investigation and hearing costs for each offense. The  
5 following shall apply:

6

7 (i) Each day of continued violation may  
8 constitute a separate offense;

9

10 (ii) In determining the amount of civil penalty  
11 to be assessed the board may consider such factors as the  
12 following:

13

14 (A) Whether the amount imposed will be a  
15 substantial economic deterrent to the violation;

16

17 (B) The circumstances leading to the  
18 violation;

19

20 (C) The severity of the violation and the  
21 risk of harm to the public.

22

23 (c) The county and prosecuting or district attorney  
24 of the county in which the misdemeanor is committed shall

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

3

4 (d) The board shall adopt rules of professional  
5 conduct as provided by this act which shall be provided in  
6 writing to every licensee and applicant for licensure under  
7 this act. The board may revise and amend the rules of  
8 professional conduct from time to time and shall forthwith  
9 notify each licensee in writing of any revision or  
10 amendment.

11

12 (e) In addition to any other penalty provided in this  
13 section, the board shall have the power to revoke, suspend,  
14 place on probation, fine or reprimand, or refuse to issue,  
15 restore or renew the license of authorization of any  
16 business entity where one (1) or more of its officers,  
17 directors, partners, members or managers has been found  
18 guilty of any conduct which would constitute a violation  
19 under the provisions of this section.

20

21 (f) Before issuing an order under this section, the  
22 board shall provide the person written notice and the  
23 opportunity to request a hearing within thirty (30) days of  
24 issuance of the notice.

1

2 (g) In connection with any proceeding under  
3 subsection (a) or (b) of this section, the board may issue  
4 subpoenas to compel the attendance and testimony of  
5 witnesses and the disclosure of evidence, and may request  
6 the attorney general to bring an action to enforce a  
7 subpoena.

8

9 **33-29-174. Renewal of license.**

10

11 Those registered under the provisions of this act are  
12 eligible for renewal of their license or certificate of  
13 authorization pursuant to renewal requirements established  
14 by this act and the rules and regulations adopted by the  
15 board.

16

17 **33-29-175. Maps, plats, plans or designs for filing**  
18 **to be made and certified by professional engineer or**  
19 **surveyor; exception; size of maps.**

20

21 (a) All maps, plats, plans or designs necessary to be  
22 filed in the state engineer's office, the office of state  
23 lands and investments, all county clerks offices, all city  
24 or town offices, or any other office of public record in

1 the state of Wyoming, shall be made and certified by a  
2 professional engineer or land surveyor licensed under this  
3 act. Hardcopy originals shall either be drawn in waterproof  
4 black ink or acetate ink, or be an acceptable photographic  
5 or other kind of reproduction on good quality polyester  
6 base drafting film in a minimum thickness of four-  
7 thousandths (.004) inch, or as otherwise required by the  
8 receiving entity. Maps may be submitted in electronic form  
9 pursuant to the Uniform Electronic Transactions Act, W.S.  
10 40-21-101 through 40-21-119. All nonelectronic maps, plats,  
11 plans or designs shall conform to one (1) of the following  
12 sizes and shall consist of one (1) original drawing  
13 together with one (1) print:

14

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

17

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

20

21 (iii) Size AAA - Eleven (11) inches by seventeen  
22 (17) inches;

23

1           (iv) Size B - Fifteen (15) inches long and ten  
2 and three-fourths ( $10 \frac{3}{4}$ ) inches wide. There shall be a  
3 minimum of one and one-half ( $1 \frac{1}{2}$ ) inches margin on the  
4 left side of the short dimension for a binding edge; the  
5 remaining three (3) margins shall be one-fourth ( $\frac{1}{4}$ ) inch  
6 each;

7  
8           (v) Size C - Thirty-six (36) inches long and  
9 twenty-two (22) inches wide. There shall be a minimum of  
10 one and one-half ( $1 \frac{1}{2}$ ) inches margin on the left side of  
11 the short dimension for a binding edge; the remaining three  
12 (3) margins shall be one-half ( $\frac{1}{2}$ ) inch each;

13  
14           (vi) Size D - Twenty-one and one-half ( $21 \frac{1}{2}$ )  
15 inches long and fifteen (15) inches wide. There shall be a  
16 minimum of one and one-half ( $1 \frac{1}{2}$ ) inches on the left side  
17 of the long dimension to serve as a binding edge; the three  
18 (3) remaining margins shall be three-eighths ( $\frac{3}{8}$ ) of an  
19 inch each;

20  
21           (vii) Size E - Thirty (30) inches long and  
22 twenty-one and one-half ( $21 \frac{1}{2}$ ) inches wide. There shall  
23 be a minimum of one and one-half ( $1 \frac{1}{2}$ ) inches margin on  
24 the left side of the short dimension to serve as a binding

1 edge; the remaining margins shall be one-half (1/2) inch  
2 each;

3

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

7

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

13

14 (x) Size H - Eighteen (18) inches by twenty-four  
15 (24) inches. There shall be a minimum of one and one-half  
16 (1 1/2) inches on the left side of the long dimension to  
17 serve as a binding edge; the three (3) remaining margins  
18 shall be three-eighths (3/8) of an inch each.

19

20 **Section 2.** W.S. 9-1-901, 9-2-1028(a)(v)(B),  
21 9-2-1032(d), 15-1-202(a)(i), 15-1-415(b)(ii), 15-1-418(b),  
22 18-3-402(a)(xxiv), 18-3-704(a)(i) and (iv), 24-1-132(d),  
23 24-2-110(f)(i), 30-5-108, 33-4-117(b)(iii),  
24 33-29-141(a)(viii) and (ix), 33-29-147, 33-41-117(a)(iv),

1 33-41-121, 35-11-304(a)(iv), 41-3-114(d), 41-3-308(a) and  
2 41-3-309(a) are amended to read:

3

4 **9-1-901. Qualifications.**

5

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

11

12 **9-2-1028. Definitions.**

13

14 (a) As used in this act:

15

16 (v) "Professional services" means:

17

18 (B) The practice of engineering or land  
19 surveying pursuant to W.S. ~~33-29-114 through 33-29-149~~  
20 33-29-150 through 33-29-175.

21

22 **9-2-1032. Contract procedure.**

23

1           (d) Each contract for professional services entered  
2 into by the principal representative shall contain a  
3 prohibition against gratuities, kickbacks and contingent  
4 fees. The architect, ~~registered~~licensed land surveyor or  
5 professional engineer shall certify under oath that he has  
6 not in any way been involved in any gratuities, kickbacks,  
7 or contingent fees in connection with his selection or  
8 ultimate performance of this contract.

9  
10           **15-1-202. Survey, map and census; contents;**  
11 **affidavits.**

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

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

1 may reference or adopt courses and distances of the  
2 boundaries of the territory from subdivision plats made by  
3 a land surveyor ~~registered~~licensed under the laws of  
4 Wyoming, platted in accordance with the provisions of W.S.  
5 34-12-101 through 34-12-104;

6  
7 **15-1-415. Additions to cities or towns by subdividing**  
8 **landowners; plat requirements; filing and effect thereof;**  
9 **controlling layout of streets.**

10  
11 (b) The plat shall:

12  
13 (ii) Have appended a survey made by a land  
14 surveyor ~~registered~~licensed under the laws of this state  
15 with a certificate that he has accurately surveyed the  
16 addition, and that the parts thereof are accurately staked  
17 off and marked with an appropriate metal monument including  
18 magnetic iron, inscribed at least with the registration  
19 number of the land surveyor to provide source  
20 identification, at all lot corners and survey control  
21 points of the addition.

22  
23 **15-1-418. Annexing contiguous cities or towns;**  
24 **annexation ordinance; filing.**

1

2 (b) A certified copy of the annexation ordinance  
3 including a legal description of the area and the map  
4 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance  
5 with W.S. ~~33-29-139~~ 33-29-175 shall be filed with the  
6 county clerk of the county in which the action has taken  
7 place.

8

9 **18-3-402. Duties generally.**

10

11 (a) The county clerk shall:

12

13 (xxiv) File maps as defined in W.S. ~~33-29-139~~  
14 33-29-175. The county clerk shall charge a fee of twenty-  
15 five dollars (\$25.00) for filing the maps.

16

17 **18-3-704. Establishment of lost corners.**

18

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

23

1           (i) The county surveyor of the county in which  
2 the corner is located or any ~~registered~~licensed land  
3 surveyor employed by one of the landowners shall  
4 immediately give notice in writing to all parties  
5 interested in the establishment of the corner, giving at  
6 least thirty (30) days notice and naming a day when he will  
7 make the necessary surveys to establish or restore the  
8 corner. If written notice cannot be made upon the owners or  
9 their agents because of nonresidence, then the notice shall  
10 be published once each week for four (4) consecutive weeks  
11 in a newspaper published in the county, or if there is no  
12 newspaper published in the county then in a newspaper of  
13 general circulation published nearest such county;

14

15           (iv) Any ~~registered~~licensed land surveyor  
16 rendering service under this section is entitled to fees  
17 and other incident expense to be collected equally from all  
18 interested parties.

19

20           **24-1-132. Contracts for county bridge work; bids;**  
21 **exception.**

22

23           (d) All bridges to be constructed shall be designed  
24 by a professional engineer who holds a valid ~~certificate of~~

1 ~~registration~~license granted by the ~~state~~Wyoming board ~~of~~  
2 ~~examining~~for professional engineers ~~of the state of~~  
3 ~~Wyoming~~and land surveyors. Plans and specifications shall  
4 be prepared in accordance with the provisions of W.S.  
5 24-2-106.

6

7 **24-2-110. Cooperation with counties in construction**  
8 **of county roads; allocation of costs; state-county road**  
9 **construction account established.**

10

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

13

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

17

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

21

22 To enable the commission to carry out its duties and powers  
23 under the laws of this state with respect to conservation  
24 of oil and gas, and to enforce the rules and regulations so

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

24

1           **33-4-117. Exemptions.**

2  
3           (b) Nothing in this act shall be construed:

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

10  
11           **33-29-141. Definitions.**

12  
13           (a) Except where the context indicates a different  
14 meaning, terms used in W.S. 33-29-140 through 33-29-149  
15 shall be defined as follows:

16  
17           (viii) A "~~registered~~licensed land surveyor" is  
18 a surveyor who is ~~registered~~licensed to practice land  
19 surveying under W.S. ~~33-29-114 through 33-29-139~~33-29-150  
20 through 33-29-175, and has a current ~~certificate~~license  
21 for that calendar year;

1           (ix) The "board" is the ~~state~~Wyoming board ~~of~~  
2 ~~registration~~ for professional engineers and professional  
3 land surveyors.

4

5           **33-29-147. Signature on corner record required.**

6

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

12

13           **33-41-117. Exemptions.**

14

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

20

21           (iv) Qualified engineers and land surveyors,  
22 ~~registered~~licensed by the Wyoming board ~~of registration~~  
23 for professional engineers and professional land surveyors  
24 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-150

1 through 33-29-175 are exempt from the registration  
2 provisions of this act, providing, that no name, title, or  
3 words are used which tend to convey the impression that a  
4 nonregistered individual is offering to perform services as  
5 a professional geologist;

6  
7 **33-41-121. Applicability.**

8  
9 This act shall not be construed as repealing or amending  
10 any law affecting or regulating licensed professional  
11 engineers and professional land surveyors pursuant to the  
12 provisions of W.S. ~~33-29-114 through 33-29-139~~ 33-29-150  
13 through 33-29-175, nor shall this act be construed to  
14 affect or prevent the practice of any other legally  
15 recognized profession by the members of the profession  
16 licensed by the state or under its authority.

17  
18 **35-11-304. Administrator required to delegate certain**  
19 **management functions to local governmental entities.**

20  
21 (a) To the extent requested by a municipality, water  
22 and sewer district or county, the administrator of the  
23 water quality division, with the approval of the director,  
24 shall delegate to municipalities, water and sewer districts

1 or counties which apply the authority to enforce and  
2 administer within their boundaries the provisions of W.S.  
3 35-11-301(a)(iii) and (v), including the authority to  
4 develop necessary rules, regulations, standards and permit  
5 systems and to review and approve construction plans,  
6 conduct inspections and issue permits. Any authority  
7 delegated under this section shall be subject to the  
8 following conditions:

9  
10 (iv) The local governmental entity shall  
11 demonstrate to the administrator that all facilities will  
12 be approved by a ~~registered~~licensed professional engineer  
13 or city or county sanitarian for small wastewater  
14 facilities or other qualified individual approved by the  
15 water quality division administrator, and that it employs a  
16 properly certified waste treatment plant operator  
17 responsible for operation and maintenance of the treatment  
18 works in a manner at least as stringent as the department  
19 of environmental quality would require;

20  
21 **41-3-114. Petition to change point of diversion or**  
22 **means of conveyance.**

1           (d) Such petitions shall be accompanied by ~~maps~~a map  
2 in ~~duplicate, one (1) of which shall be on tracing linen of~~  
3 ~~a size~~a format required by the state engineer and state  
4 board of control, prepared under certificate of a  
5 ~~registered~~licensed land surveyor in conformance with W.S.  
6 33-29-175, and showing accurately the location of the  
7 stream, the location of the ditch or ditches involved,  
8 location of any intervening diversions, and if for  
9 irrigation, the location of the lands changed or affected  
10 by such change.

11

12           **41-3-308. Alterations or repairs of dams or diversion**  
13 **systems; plans and specifications; duties of state**  
14 **engineer.**

15

16           (a) Plans and specifications of any proposed  
17 construction, enlargement, major repair, alteration or  
18 removal of a dam or diversion system shall be prepared by  
19 or under the direction of a ~~registered~~ professional  
20 engineer licensed to practice in the state of Wyoming and  
21 experienced in dam design and construction, and shall be  
22 submitted to the state engineer for approval. It is  
23 unlawful to commence construction, enlargement, major  
24 repair, alteration or removal until the plans and

1 specifications have been approved by the state engineer. At  
2 the request of the state engineer, the professional  
3 engineer responsible for the plans and specifications shall  
4 carry out any revisions of the plans and specifications or  
5 provide such additional information as is necessary to  
6 justify or clarify the design.

7  
8 **41-3-309. Alterations or repairs of dams or diversion**  
9 **systems; inspections performed and reports submitted to**  
10 **state engineer by professional engineer.**

11  
12 (a) A ~~registered~~ professional engineer licensed to  
13 practice in the state of Wyoming shall be in charge of and  
14 responsible for the construction, enlargement, major  
15 repair, alteration or removal of any dam or diversion  
16 system.

17  
18 **Section 3.** W.S. 33-29-114 through 33-29-139 are  
19 repealed.

20  
21 **Section 4.** This act is effective July 1, 2007.

22  
23 (END)