

SENATE FILE NO. SF0018

Professional Engineers and Surveyors Practice Act.

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

A BILL

for

1 AN ACT relating to surveyors and engineers; repealing and
2 recreating statutes governing engineering and land
3 surveying; modifying definitions, provisions relating to
4 the licensing board, licensing requirements, discipline and
5 the practice of professional engineering and the practice
6 of professional land surveying; making conforming
7 amendments; renumbering and amending statutes relating to
8 corners; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 33-29-201, 33-29-301 through
13 33-29-308, 33-29-401 through 33-29-406, 33-29-501 and
14 33-29-502, 33-29-601 through 33-29-604, 33-29-701 through
15 33-29-709 and 33-29-801 are created to read:

16

1

CHAPTER 29

2

SURVEYORS AND ENGINEERS

3

4

ARTICLE 2

5

GENERAL PROVISIONS

6

7

33-29-201. Definitions.

8

9

(a) As used in this act:

10

11

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

13

14

(ii) "Business entity" means a corporation, limited liability company, partnership, limited partnership, limited liability partnership or any other form of business except a sole proprietorship;

18

19

(iii) "Engineer intern" means an individual who is certified by the board as an engineer intern;

21

22

(iv) "Jurisdiction" means a licensing agency, including agencies outside of the United States;

24

1 (v) "Land surveyor intern" means an individual
2 who is certified by the board as a land surveyor intern;

3

4 (vi) "Licensee" means a professional engineer or
5 professional land surveyor licensed by the board;

6

7 (vii) "Practice of professional engineering"
8 means performing for others or offering to perform for
9 others any "professional service" or "professional creative
10 work" requiring engineering education, training and
11 experience and special knowledge of mathematics, physics
12 and engineering sciences. An individual performs "a
13 professional service" or "professional creative work" in
14 the practice of professional engineering if he:

15

16 (A) Represents himself to be a professional
17 engineer by sign, advertisement, letterhead, card, verbal
18 claim or any other manner;

19

20 (B) Quotes a fee for a professional
21 engineering service;

22

23 (C) Executes a contract or agreement for a
24 professional engineering service;

1

2 (D) Teaches upper division engineering
3 design subjects as a professional engineer at a college or
4 university;

5

6 (E) Performs research investigations as a
7 professional engineer;

8

9 (F) Testifies as an expert in professional
10 engineering; or

11

12 (G) Holds himself out as able to perform or
13 does perform, as a professional engineer, any similar
14 service defined by board rule as the practice of
15 professional engineering.

16

17 (viii) "Practice of professional land surveying"
18 means performing for others or offering to perform for
19 others "professional services" which involve the
20 application of special knowledge or principles of
21 mathematics and methods of measurement for the
22 determination and preservation of land boundaries and for
23 the determination of land features and forms. An individual

1 performs a "professional service" in the practice of
2 professional land surveying if he:

3

4 (A) As a professional land surveyor, makes
5 geometric measurements and gathers related information
6 pertaining to the physical or legal features of the earth,
7 improvements on the earth and the space above, on or below
8 the earth;

9

10 (B) Teaches, as a professional land
11 surveyor, upper division university level land surveying
12 design subjects;

13

14 (C) Performs professional land surveying
15 research as a professional land surveyor;

16

17 (D) As a professional land surveyor,
18 creates work product relating to land surveying such as
19 graphics, data, maps, plans, reports and descriptions;

20

21 (E) Represents himself to be a professional
22 land surveyor by sign, advertisement, letterhead, card,
23 verbal claim or any other way;

24

1 (F) Testifies as an expert in professional
2 land surveying; or

3

4 (G) Holds himself out as able to perform or
5 does perform, as a professional land surveyor, any similar
6 service defined by board rule as professional land
7 surveying.

8

9 (ix) "Professional engineer" means an individual
10 who, by reason of intensive preparation in the use of
11 mathematics, physics and engineering sciences including the
12 principles and methods of engineering analysis and design,
13 is qualified to practice professional engineering and is
14 licensed under this act;

15

16 (x) "Professional land surveyor" means an
17 individual who by reason of specialized knowledge in the
18 technique of measuring land, mathematics, physical and
19 applied sciences, and legal requirements of surveying real
20 property, is qualified to practice professional land
21 surveying and is licensed under this act;

22

23 (xi) "Responsible charge" means the exercise of
24 direct control or the personal supervision of engineering

1 work by a professional engineer or surveying work by a
2 professional land surveyor;

3

4 (xii) "This act" means W.S. 33-29-201 through
5 33-29-801.

6

7

ARTICLE 3

8

WYOMING BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL

9

LAND SURVEYORS

10

33-29-301. Creation of board.

12

13 (a) The Wyoming board of professional engineers and
14 professional land surveyors is created to regulate the
15 practice of professional engineering and professional land
16 surveying in order to safeguard life, health and property
17 and to promote the public welfare. The board shall consist
18 of eight (8) members appointed by the governor for a term
19 of four (4) years and the state engineer who shall serve
20 during his term in office. The board shall be composed of:

21

22 (i) The state engineer;

23

1 (ii) Four (4) professional engineers. One (1)
2 shall teach engineering at the university level. Two (2)
3 shall be in private practice;

4
5 (iii) Three (3) professional land surveyors. Two
6 (2) shall be in private practice; and

7
8 (iv) One (1) member who is neither a professional
9 engineer nor a professional land surveyor.

10
11 (b) The governor may remove any board member he
12 appoints in accordance with W.S. 9-1-202.

13
14 **33-29-302. Qualifications of board members.**

15
16 (a) Appointed members of the board shall have been
17 residents of Wyoming for at least five (5) years
18 immediately prior to appointment, shall be residents during
19 their appointment and shall be citizens of the United
20 States.

21
22 (b) Professional engineer members shall have engaged
23 in the practice of engineering as licensed professional

1 engineers for at least twelve (12) years and shall have
2 been in responsible charge for at least five (5) years.

3

4 (c) Professional land surveyor members shall have been
5 engaged in the practice of land surveying as licensed
6 professional land surveyors for at least twelve (12) years
7 and shall have been in responsible charge for at least five
8 (5) years.

9

10 **33-29-303. Compensation of board members.**

11

12 Members of the board shall receive compensation for each
13 day or part of a day in which they engage in the
14 performance of their board duties at the same rate provided
15 members of the state legislature under W.S. 28-5-101 and
16 shall be reimbursed for actual and necessary expenses
17 incurred in the performance of their board duties.
18 Compensation and expenses incurred by the board or any
19 member shall be approved by the board. Compensation and
20 expenses shall be paid only from the fees collected by the
21 board. This section shall not apply to the state engineer.

22

23 **33-29-304. Organization of board.**

24

1 (a) The board shall meet as often as needed, but not
2 less than four (4) times a year.

3

4 (b) The board shall elect the following officers
5 biennially to serve not more than two (2) consecutive
6 terms: a chairperson, a vice chairperson and a secretary-
7 treasurer.

8

9 (c) Six (6) members of the board constitute a quorum.

10

11 (d) The board is hereby transferred to the department
12 of the state engineer under a Type 3 transfer as defined in
13 W.S. 9-2-1707(b)(iii).

14

15 **33-29-305. Powers of board.**

16

17 (a) The board shall have the powers necessary to
18 enforce this act, including the power to:

19

20 (i) Promulgate rules and regulations necessary
21 to enforce this act;

22

23 (ii) Promulgate rules and regulations necessary
24 to regulate the practice of professional engineering and

1 professional land surveying, including qualifications for
2 intern certificates and professional licenses, professional
3 conduct, continuing education, discipline and license
4 status categories;

5

6 (iii) Conduct hearings, take testimony,
7 administer oaths, subpoena witnesses and issue subpoenas
8 for the production of documents or data;

9

10 (iv) Use investigators, the office of the
11 attorney general and consultants to investigate and
12 evaluate possible violations of this act or the board's
13 rules;

14

15 (v) Adopt an official seal for the board and
16 adopt a professional seal for the use of licensees;

17

18 (vi) Employ a board administrator and such
19 additional staff as necessary to administer and enforce
20 this act and board rules;

21

22 (vii) Appoint advisory committees comprised of
23 persons who may or may not be members of the board to
24 undertake tasks assigned by the board. The board may

1 reimburse committee members for reasonable incidental
2 expenses incurred in the conduct of board business;

3

4 (viii) Establish and collect fees pursuant to
5 W.S. 33-1-201. All fees collected by the board shall be
6 deposited by the state treasurer to the credit of the
7 Wyoming board of professional engineers and professional
8 land surveyors account;

9

10 (ix) Pay for membership to regional and national
11 organizations and expenses incurred by board members to
12 attend organization meetings;

13

14 (x) Use electronic transmissions.

15

16 **33-29-306. Professional engineers and professional**
17 **land surveyors account.**

18

19 All fees and other revenues received by the board shall be
20 deposited by the state treasurer to the credit of the
21 Wyoming board of professional engineers and professional
22 land surveyors account. All monies in the account may be
23 appropriated for the use of the board. The account shall be
24 used by the board to defray costs incurred in the

1 administration of this act. Disbursements from the account
2 shall not exceed the monies credited to it.

3
4 **33-29-307. Immunity from personal liability.**

5
6 Any person reporting information to the board under oath
7 and members, agents, investigators and employees of the
8 board are immune from personal liability with respect to
9 acts done and actions taken in good faith without fraud or
10 malice.

11
12 **33-29-308. Confidentiality of records.**

13
14 (a) The following records and papers of the board are
15 confidential and are not public records:

16
17 (i) Letters of inquiry and reference concerning
18 applicants;

19
20 (ii) Completed applications and verification and
21 inquiry forms;

22
23 (iii) Transcripts of educational institutions;

1 (iv) Investigative and disciplinary matters
2 dismissed without action; and

3

4 (iv) Files relating to complaints and
5 investigations until a formal hearing is concluded or until
6 final disciplinary action is taken if no hearing is
7 commenced. This paragraph does not prevent use of the
8 board files in a hearing.

9

10 ARTICLE 4

11 LICENSE REQUIREMENTS

12

13 **33-29-401. Professional license required.**

14

15 Except as provided in this act, no individual shall engage
16 in the practice of professional engineering or professional
17 land surveying unless the individual holds the appropriate
18 license issued by the board.

19

20 **33-29-402. Requirements for intern certificate.**

21

22 (a) An applicant for a certificate as an engineer
23 intern shall submit evidence satisfactory to the board
24 showing that the applicant:

1

2 (i) Is of good moral character and repute;

3

4 (ii) Has graduated from a curriculum approved by
5 the board of at least four (4) years; and

6

7 (iii) Has passed an examination in the
8 fundamentals of engineering.

9

10 (b) An applicant for a certificate as a land surveyor
11 intern shall submit evidence satisfactory to the board
12 showing that the applicant:

13

14 (i) Is of good moral character and repute;

15

16 (ii) Has passed an examination in the
17 fundamentals of land surveying;

18

19 (iii) Has one (1) of the following
20 educational/experience backgrounds:

21

22 (A) Has graduated from a curriculum
23 approved by the board of at least four (4) years that

1 contains at least thirty (30) semester credit hours in
2 surveying approved by the board; or

3
4 (B) Has graduated from a curriculum
5 approved by the board of at least two (2) years that
6 contains at least thirty (30) semester credit hours in
7 surveying approved by the board plus two (2) years of
8 combined office and field experience in land surveying, of
9 which one (1) year shall have been in charge of land
10 surveying projects under the supervision of a licensed
11 professional land surveyor.

12
13 (c) An engineer intern or land surveyor intern shall
14 not practice as a professional engineer or a professional
15 land surveyor.

16
17 **33-29-403. Requirements for professional license.**

18
19 (a) An applicant for a license as a professional
20 engineer who has not graduated from a doctoral curriculum
21 in engineering approved by the board shall submit evidence
22 satisfactory to the board showing that the applicant:

23
24 (i) Is of good moral character and repute;

1

2 (ii) Has passed an examination in the principles
3 and practice of engineering; and

4

5 (iii) Has met the requirements for an engineer
6 intern certificate and has four (4) years of engineering
7 experience in increasing responsibility and scope of a
8 grade and character that evidence the applicant is
9 competent to practice as a professional engineer.

10

11 (b) An applicant for a license as a professional
12 engineer who has graduated from a doctoral curriculum in
13 engineering approved by the board shall submit evidence
14 satisfactory to the board showing that the applicant:

15

16 (i) Is of good moral character and repute;

17

18 (ii) Has passed any examinations required by rule
19 of the board to establish competence at a professional
20 level in Wyoming licensing laws and professional ethics;
21 and

22

23 (iii) Has four (4) years of engineering
24 experience in increasing responsibility and scope of a

1 grade and character that evidence the applicant is
2 competent to practice as a professional engineer.

3

4 (c) An applicant for a license as a professional
5 land surveyor shall submit evidence satisfactory to the
6 board showing that the applicant:

7

8 (i) Is of good moral character and repute;

9

10 (ii) Has passed the examination in the
11 principles and practice of land surveying;

12

13 (iii) Has met the requirements for a land
14 surveyor intern certificate; and

15

16 (iv) Has four (4) years of land surveying
17 experience in increasing responsibility and scope of a
18 grade and character that evidence the applicant is
19 competent to practice as a professional land surveyor.
20 This experience shall be in addition to that described in
21 W.S. 33-29-402(b)(iii).

22

23 **33-29-404. Application for license.**

24

1 (a) An applicant for a license or certificate under
2 this act shall submit an application on a form and in the
3 manner prescribed by the board.

4
5 (b) In addition to information required by the board,
6 the application shall contain a statement under oath of the
7 applicant's education and engineering or land surveying
8 work experience.

9
10 (c) The board may accept an applicant's records from
11 the national council of examiners for engineering and
12 surveying or its successor organization as a substitute for
13 the information required in this act.

14
15 **33-29-405. Fees.**

16
17 The board shall establish fees in accordance with W.S.
18 33-1-201 as necessary to provide for the administration of
19 this act, including license and certificate application
20 fees and fees for services provided by the board.
21 Application fees shall accompany the application.
22 Application fees are nonrefundable.

23
24 **33-29-406. License on the basis of comity.**

1

2 (a) An applicant who holds a license issued by another
3 jurisdiction to practice professional engineering or
4 professional land surveying may be issued a professional
5 license provided:

6

7 (i) The applicant has not been disciplined by
8 another jurisdiction;

9

10 (ii) The applicant has passed any examinations
11 required by rule of the board to establish competence at a
12 professional level in Wyoming licensing laws and
13 professional ethics; and

14

15 (iii) The applicant:

16

17 (A) Meets the education, experience and
18 examination requirements equivalent to the requirements in
19 effect in Wyoming at the time the applicant's license was
20 issued by the other jurisdiction; or

21

22 (B) Meets requirements established by the
23 national council of examiners for engineering and surveying
24 or its successor organization that the board has determined

1 are equivalent to the requirements for a professional
2 license in Wyoming.

3
4 (b) An applicant who holds a license issued by another
5 jurisdiction to practice professional engineering or
6 professional land surveying, and who has held the license
7 for fifteen (15) years immediately prior to submitting the
8 application, may be issued a professional license provided
9 the applicant:

10
11 (i) Has not been disciplined in any
12 jurisdiction; and

13
14 (ii) Has passed any examination required by rule
15 of the board to establish competence at a professional
16 level in Wyoming licensing laws and professional ethics.

17
18 ARTICLE 5

19 LICENSE RENEWAL

20
21 **33-29-501. Renewal of licenses.**

1 (a) The board shall provide for the biennial renewal
2 of a license. The board may adopt a system under which
3 licenses are renewed on a staggered basis.

4

5 (b) An individual whose license has expired shall not
6 engage in activities that require a license until the
7 license has been renewed or until a new license has been
8 obtained.

9

10 (c) An individual whose license has been expired for
11 less than two (2) years may renew the license by paying the
12 required annual renewal fee and a late fee.

13

14 (d) An individual whose license has been expired for
15 more than two (2) years may not renew the license. The
16 individual may obtain a new license by complying with the
17 requirements of this act for obtaining an original license.

18

19 (e) An individual who renews his license shall comply
20 with the continuing professional competency requirements
21 adopted by board rule for license renewals.

22

23 **33-29-502. Continuity of current licenses.**

24

1 Any individual holding a certificate of registration in
2 this state that is valid and active on July 1, 2013, shall
3 be deemed to be licensed under this act.

4
5 ARTICLE 6

6 PRACTICE OF PROFESSIONAL ENGINEERING AND PROFESSIONAL LAND
7 SURVEYING

8
9 **33-29-601. Professional seal.**

10
11 (a) The board shall adopt a seal for the use of
12 professional engineers and professional land surveyors.

13
14 (b) Whenever the professional seal is applied, the
15 licensee's signature and the date shall also be included.

16
17 (c) The professional seal, signature and date shall be
18 placed on all final designs, specifications, maps, land
19 surveys, reports, plats, drawings and plans filed or
20 recorded pursuant to W.S. 33-29-801.

21
22 (d) The application of a professional seal shall
23 constitute certification that:

1 (i) The work was done by the professional
2 licensee or under his responsible charge; and

3

4 (ii) The licensee is competent in the
5 subject matter.

6

7 (e) A licensee shall not:

8

9 (i) Permit the use of his seal by another; or

10

11 (ii) Use his seal when his license has expired,
12 is inactive or has been revoked or suspended.

13

14 (f) An individual who is not licensed shall not use
15 the seal of a licensee.

16

17 **33-29-602. Practice through business entities;**
18 **registration.**

19

20 (a) Professional engineers and professional land
21 surveyors may practice professional engineering or
22 professional land surveying through a business entity
23 provided:

24

1 (i) The business entity has registered with the
2 board;

3

4 (ii) The business entity has submitted the
5 following to the board:

6

7 (A) A description of the engineering or
8 land surveying services to be practiced in the state; and

9

10 (B) A designation of an individual or
11 individuals in responsible charge. A change in the
12 individual or individuals in responsible charge shall be
13 filed with the board within thirty (30) days of the change.

14

15 (iii) All final maps, plats, plans, designs and
16 other documents filed or recorded under W.S. 33-29-801
17 shall be dated and bear the signature and seal of a
18 professional engineer or professional land surveyor in
19 responsible charge of the work; and

20

21 (iv) All personnel of the business entity who
22 act on its behalf as engineers or land surveyors in this
23 state shall be licensed professional engineers or licensed
24 professional land surveyors or shall be exempted from the

1 license requirement under W.S. 33-29-604(a)(iii). No
2 business entity shall be relieved of responsibility for the
3 conduct or acts of its employees, officers or agents by
4 reason of its compliance with this act. Nor shall any
5 individual engaged in engineering or land surveying be
6 relieved of responsibility for engineering or land
7 surveying services performed by reason of his employment or
8 relationship with a business entity.

9

10 **33-29-603. Public works.**

11

12 (a) Drawings, plans, specifications and estimates for
13 public works of the state or a political subdivision of the
14 state involving professional engineering shall be prepared
15 by or under the personal direction of a professional
16 engineer. The construction of the engineering works shall
17 be executed under the direct supervision of a professional
18 engineer.

19

20 (b) Surveys or maps for public works of the state or a
21 political subdivision of the state shall be prepared by or
22 under the personal direction of a professional land
23 surveyor. The surveying work shall be executed under the
24 direct supervision of a professional land surveyor.

1

2 **33-29-604. Exemptions and limitations.**

3

4 (a) The provisions of this act shall not apply to:

5

6 (i) An officer or employee of the United States
7 practicing within the scope of his authority and
8 employment;

9

10 (ii) An individual working for a business entity
11 or licensee provided a licensee exercises responsible
12 charge over all final designs, drawings, inspections, maps,
13 plats and plans filed under W.S. 33-29-801;

14

15 (iii) A utility company or telecommunications
16 company regulated by the Wyoming public service commission
17 or the company's employees practicing within the scope of
18 their employment and authority;

19

20 (iv) An individual who performs actions
21 described in W.S. 33-29-201(a)(viii)(A) upon lands owned or
22 leased by him or upon lands owned or leased by an entity,
23 which is not a publicly traded corporation, of which he
24 owns an interest; or

1

2 (v) An irrigation company or employee of an
3 irrigation company when determining elevations and
4 distances necessary to market equipment.

5

6

ARTICLE 7

7

PROHIBITED ACTS AND DISCIPLINARY PROCEDURES

8

9

33-29-701. Disciplinary powers of the board.

10

11 (a) On a determination that a ground for disciplinary
12 action exists under W.S. 33-29-702, the board may:

13

14 (i) Deny an application for a license, intern
15 certificate or business entity registration;

16

17 (ii) Revoke, suspend or refuse to renew a
18 license, intern certificate or business entity
19 registration;

20

21 (iii) Impose probation;

22

23 (iv) Restrict the scope of a license, intern
24 certificate or business entity registration;

1

2 (v) Impose peer review;

3

4 (vi) Require continuing education;

5

6 (vii) Formally or informally reprimand a
7 licensee, intern or registered business entity;

8

9 (viii) Impose civil penalties as provided in
10 W.S. 33-29-707.

11

12 **33-29-702. Grounds for disciplinary action.**

13

14 (a) An individual or business entity is subject to
15 disciplinary action for:

16

17 (i) A violation of this act, board rule, order or
18 code of ethics;

19

20 (ii) Fraud or misrepresentation relating to the
21 practice of engineering or land surveying, including in the
22 submission of information to the board and signing of
23 documents;

24

1 (iii) Allowing or assisting another to violate
2 this act or a rule or order of the board;

3
4 (iv) Incompetence, habitual or gross negligence
5 or other misconduct in the practice of engineering or land
6 surveying;

7
8 (v) Habitual intoxication or addiction to the use
9 of drugs or alcohol which affects the ability to practice
10 engineering or land surveying;

11
12 (vi) Conviction of a felony that is related to
13 the ability to practice engineering or land surveying;

14
15 (vii) Discipline or restriction of a license,
16 intern certificate or business entity registration by
17 another jurisdiction if the ground for the action was the
18 same or substantially equivalent to a ground for discipline
19 in this section.

20
21 **33-29-703. Disciplinary proceedings.**
22

1 (a) Any final disciplinary action shall be preceded by
2 notice and an opportunity for a hearing. Hearings shall be
3 conducted as a contested case.

4
5 (b) The board may conduct investigations and issue
6 subpoenas for the attendance of witnesses and the
7 production of evidence.

8
9 (c) The board may settle a disciplinary matter without
10 a formal hearing.

11
12 (d) The board shall notify the clerk of each county in
13 the state and the secretary of state, in the case of a
14 business entity, of suspension or revocation of a license,
15 intern certificate or business entity registration and of
16 the reissuance of a suspended or revoked license,
17 certificate or business entity registration.

18
19 **33-29-704. Judicial review.**

20
21 Except as provided by W.S. 33-29-706, any final action or
22 order of the board is subject to judicial review as
23 provided in W.S. 16-3-114.

24

1 **33-29-705. Reinstatement.**

2

3 A licensee, intern or business entity may apply for
4 reinstatement of a license, intern certificate or business
5 registration upon fulfilling disciplinary conditions
6 imposed by the board. The board may grant or deny the
7 application and may modify its original findings.

8

9 **33-29-706. Court ordered suspension of license.**

10

11 Upon receipt from the department of family services of a
12 certified copy of an order from a court under W.S. 20-6-112
13 to withhold, suspend or otherwise restrict a license issued
14 by the board, the board shall notify the party named in the
15 court order of the withholding, suspension or restriction
16 in accordance with the terms of the court order. No appeal
17 under the Wyoming Administrative Procedure Act shall be
18 allowed for action taken under this section.

19

20 **33-29-707. Civil penalties.**

21

22 (a) In addition to any disciplinary action taken with
23 respect to a license, intern certificate or business entity
24 registration, the board may impose a civil penalty upon any

1 person who violates this act or a rule or order of the
2 board. The penalty may be up to two thousand dollars
3 (\$2,000.00) for each violation and may include the board's
4 costs and expenses for the investigation and prosecution
5 and reasonable attorney's fees.

6
7 (b) The board shall notify the person accused of a
8 violation in writing of the nature of the alleged
9 violation. Upon receipt of a notice of violation the
10 person receiving it shall pay the assessed civil penalty to
11 the board within sixty (60) days or file an appeal to the
12 board. The appeal shall be conducted as a contested case
13 before a hearing examiner of the office of administrative
14 hearings, who shall recommend a decision to the board.

15
16 (c) A civil penalty may be recovered in an action
17 brought in the name of the board in the district court.

18
19 **33-29-708. Criminal penalties.**

20
21 Any person who violates any provision of this act is guilty
22 of a misdemeanor punishable by a fine of not more than one
23 thousand dollars (\$1,000.00), by imprisonment of not more

1 than one (1) year, or both. Each violation shall constitute
2 a separate offense.

3
4 **33-29-709. Injunctions; enforcement of subpoenas.**

5
6 (a) In addition to the discipline and penalties in
7 W.S. 33-29-701, 33-29-707 and 33-29-708, the board may seek
8 an injunction in the district court to enjoin any person
9 from violating this act or the board's rules or orders.
10 The board is authorized to apply for injunctive relief
11 without bond. It shall not be necessary to allege or prove
12 an adequate remedy at law does not exist or irreparable
13 harm would result from the continued violation of this act.

14
15 (b) In case of refusal to obey a subpoena served by
16 the board upon any person, the district court for any
17 county in which the person is found or resides or transacts
18 business, upon application by the board, may issue an order
19 requiring the person to appear and give testimony or to
20 appear and produce documents or both. Any failure to obey
21 the order of the court may be punished by the court as
22 contempt.

23
24 **ARTICLE 8**

FILING AND RECORDING

33-29-801. Maps, plats, plans and designs for filing or recording to be certified by professional engineer or professional land surveyor; exception; size of maps.

(a) Except for filings with the oil and gas commission pursuant to rules of the oil and gas commission, all maps, plats, plans, designs and all other engineering and surveying documents required to be filed or recorded in the state engineer's office, the office of state lands and investments, all county clerks' offices, all city or town offices, or any other office of public record in the state of Wyoming, shall comply with the following requirements:

(i) Be made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor;

(ii) Hardcopy originals shall be drawn in either waterproof black ink or acetate ink or shall be an acceptable photographic or other kind of reproduction on good quality polyester base drafting film in a minimum

1 thickness of four-thousandths (.004) inch or as otherwise
2 required by the receiving entity;

3
4 (iii) Maps formatted as required by the
5 receiving entity may be submitted in electronic form as
6 provided by the Uniform Electronic Transactions Act, W.S.
7 40-21-101 through 40-21-119;

8
9 (iv) Hardcopy documents shall conform to the
10 sizes provided by board rule.

11
12 (b) The requirement in paragraph (a)(i) of this
13 section that all maps, plans, plats and designs be made by
14 or under the responsible charge of a professional engineer
15 or professional land surveyor shall not apply to
16 applications which meet the provisions of this subsection
17 and comply with subsections (c) and (d) of this section and
18 which are filed in the state engineer's office:

19
20 (i) To construct small reservoirs for stock
21 purposes only or fishing preserve waters where the capacity
22 of the reservoir does not exceed twenty (20) acre feet or
23 twenty (20) feet in fill height;

1 (ii) To develop springs for stock water purposes
2 of up to twenty-five (25) gallons per minute; or
3

4 (iii) To construct flood water detention dams
5 storing fifty (50) acre feet or less and not to exceed
6 twenty (20) feet in fill height provided the dam has a
7 minimum outlet of eighteen (18) inches diameter and the
8 dead storage does not exceed twenty (20) acre feet.
9

10 (c) The application shall be signed by the applicant
11 or an agent acting for him and shall be accompanied, at a
12 minimum, by aerial photographs or United States geological
13 survey quadrangle maps, of a scale provided by board rule,
14 with designation of the township, range, section and
15 section corner or quarter corner and the location of the
16 installation designated in the quarter section on the
17 photographs or United States geological survey quadrangle
18 maps and a description of:
19

20 (i) The dam including height, width, depth,
21 construction materials, depth to be submerged and height of
22 the free board; and
23

1 (ii) The reservoir including length, width,
2 average depth, submerged area and capacity.

3

4 (d) Aerial photographs or United States geological
5 survey maps shall comply with the following requirements:

6

7 (i) Two (2) aerial photographs or United States
8 geological survey quadrangle maps mounted on eight (8) inch
9 by ten (10) inch sheets shall accompany each application;

10

11 (ii) The minimum scale on the aerial photographs
12 or United States geological survey quadrangle maps shall
13 not be less than two (2) inches to the mile;

14

15 (iii) An identified section corner or quarter
16 corner shall be shown on each aerial photograph or United
17 States geological survey quadrangle map;

18

19 (iv) The entire section in which the facility is
20 located shall be shown on each aerial photograph or United
21 States geological survey quadrangle map along with
22 subdivision lines showing forty (40) acre tracts; and

23

1 (v) The location of the facility shall be shown
2 within the proper forty (40) acre subdivision.

3

4 (e) The state engineer may adopt rules and
5 regulations which provide exceptions to paragraph (a)(i) of
6 this section for projects which, because of their size,
7 nature or location, an exception would not impede upon
8 public safety or the integrity of a water right. The
9 exceptions provided pursuant to this subsection shall be in
10 addition to the exception provided in subsection (b) of
11 this section.

12

13 **Section 2.** W.S. 9-2-1028(a)(v)(B), 15-1-418(b),
14 18-3-402(a)(xxiv), 33-41-117(a)(iv) and 33-41-121 are
15 amended to read:

16

17 **9-2-1028. Definitions.**

18

19 (a) As used in this act:

20

21 (v) "Professional services" means:

22

1 (B) The practice of professional
2 engineering or professional land surveying pursuant to W.S.
3 ~~33-29-114 through 33-29-149~~ 33-29-201 through 33-29-801.
4

5 **15-1-418. Annexing contiguous cities or towns;**
6 **annexation ordinance; filing.**
7

8 (b) A certified copy of the annexation ordinance
9 including a legal description of the area and the map
10 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance
11 with W.S. ~~33-29-139~~ 33-29-801 shall be filed with the
12 county clerk of the county in which the action has taken
13 place.
14

15 **18-3-402. Duties generally.**
16

17 (a) The county clerk shall:
18

19 (xxiv) File maps as defined in W.S. ~~33-29-139~~
20 33-29-801. The county clerk shall charge a fee of twenty-
21 five dollars (\$25.00) for filing the maps.
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~~Professional engineers and land
8 surveyors, ~~registered~~licensed by the board of ~~registration~~
9 ~~for~~ professional engineers and professional land surveyors
10 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-201
11 through 33-29-801 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
15 as 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~~ 33-29-201
23 through 33-29-801, 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 **Section 3.** W.S. 33-29-140 through 33-29-143 as
5 33-29-901 through 33-29-904 and 33-29-146 through 33-29-148
6 as 33-2-907 through 33-29-909 are amended and renumbered to
7 read:

8
9 ARTICLE 9

10 CORNER PERPETUATION AND FILING ACT

11
12 ~~33-29-140~~ 33-29-901. **Short title.**

13
14 W.S. ~~33-29-140 through 33-29-149~~ 33-29-901 through
15 33-29-910 may be cited as the "Corner Perpetuation and
16 Filing Act".

17
18 ~~33-29-141~~ 33-29-902. **Definitions.**

19
20 (a) Except where the context indicates a different
21 meaning, terms used in W.S. ~~33-29-140 through 33-29-149~~
22 33-29-901 through 33-29-910 shall be defined as follows:

1 (i) A "property corner" is a geographic point on
2 the surface of the earth, and is on, a part of, and
3 controls a property line;

4
5 (ii) A "property controlling corner" for a
6 property is a public land survey corner_T or any property
7 corner_T which does not lie on a property line of the
8 property in question, but which controls the location of
9 one (1) or more of the property corners of the property in
10 question;

11
12 (iii) A "public land survey corner" is any
13 corner actually established and monumented in an original
14 survey or resurvey used as a basis of legal description for
15 issuing a patent for the land to a private person from the
16 United States government;

17
18 (iv) A "corner_L"_T unless otherwise qualified,
19 means a property corner, or a property controlling corner,
20 or a public land survey corner_T or any combination of
21 these;

22
23 (v) An "accessory to a corner" is any
24 exclusively identifiable physical object whose spatial

1 relationship to the corner is recorded. Accessories may be
2 bearing trees, bearing objects, monuments, reference
3 monuments, line trees, pits, mounds, charcoal-filled
4 bottles, steel or wooden stakes, or other objects;
5

6 (vi) A "monument" is an accessory that is
7 presumed to occupy the exact position of a corner;
8

9 (vii) A "reference monument" is a special
10 monument that does not occupy the same geographical
11 position as the corner itself, but whose spatial
12 relationship to the corner is recorded and which serves to
13 witness the corner;
14

15 (viii) A "~~registered~~professional land surveyor"
16 is a surveyor who is ~~registered~~licensed to practice
17 professional land surveying under W.S. ~~33-29-114 through~~
18 ~~33-29-139~~33-29-201 through 33-29-801, and has a current
19 ~~certificate~~license for that calendar year;
20

21 (ix) The "board" is the ~~state board of~~
22 ~~registration for~~Wyoming board of professional engineers
23 and professional land surveyors.
24

1 ~~33-29-142~~ 33-29-903. Completion of "corner file".

2

3 A professional land surveyor shall complete, sign, and file
4 with the county clerk where the corner is situated, a
5 written record of corner establishment or restoration to be
6 known as a "corner file" for every public land survey
7 corner and accessory to such corner which is established,
8 reestablished, monumented, remonumented, restored,
9 rehabilitated, perpetuated or used as control in any survey
10 by such surveyor, and within ninety (90) days thereafter,
11 unless the corner and its accessories are substantially as
12 described in an existing corner record filed in accordance
13 with the provisions of W.S. ~~33-29-140 through 33-29-149~~
14 33-29-901 through 33-29-910.

15

16 ~~33-29-143~~ 33-29-904. Filing of corner reference.

17

18 A professional land surveyor may file such corner record as
19 to any property corner, property controlling corner,
20 reference monument or accessory to a corner.

21

22 ~~33-29-146~~ 33-29-907. Reconstruction or rehabilitation
23 of monument.

24

1 In every case where a corner record of a public land survey
2 corner is required to be filed under the provisions of W.S.
3 ~~33-29-140 through 33-29-149~~ 33-29-901 through 33-29-910,
4 the professional land surveyor must reconstruct or
5 rehabilitate the monument of such corner, and accessories
6 to such corner, so that the same shall be left by him in
7 such physical condition that it remains as permanent a
8 monument as is reasonably possible and so that the same may
9 be reasonably expected to be located with facility at all
10 times in the future.

11

12 ~~33-29-147~~ 33-29-908. Signature on corner record
13 required.

14

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

20

21 ~~33-29-148~~ 33-29-909. Previously existing corners.

22

1 Corner records may be filed concerning corners established,
2 reestablished or restored before the effective date of W.S.
3 ~~33-29-140 through 33-29-149~~ 33-29-901 through 33-29-910.

4

5 **Section 4.** W.S. 33-29-144 and 33-29-145 are
6 renumbered as 33-29-905 and 33-29-906 and 33-29-149 is
7 renumbered as 33-29-910.

8

9 **Section 5.** W.S. 33-29-114 through 33-29-139 are
10 repealed.

11

12 **Section 6.** Notwithstanding W.S. 33-29-301, the
13 initial terms of the two (2) additional members of the
14 Wyoming board of professional engineers and professional
15 land surveyors appointed pursuant to this act, and the
16 first terms of other board members appointed after the
17 effective date of this act, shall be for a number of years
18 which allows for staggered terms of all appointed board
19 members, with two (2) appointed members' terms expiring
20 each year. Thereafter all board members' terms shall be
21 for four (4) years.

1

2 **Section 7.** This act is effective July 1, 2013.

3

4 (END)