



## Mississippi Rules and Regulations

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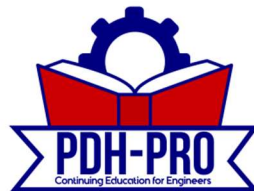
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**Title 30: Professions and Occupations**

**Part 901: Rules and Regulations of the Mississippi Board of Licensure for Professional Engineers and Surveyors**

**MISSISSIPPI BOARD OF LICENSURE  
FOR PROFESSIONAL ENGINEERS  
AND SURVEYORS  
(As of August 2, 2015)  
Rules and Regulations of Procedure**

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**Foreword** - The Rules and Regulations shall be binding upon every person holding a certificate of licensure as Professional Engineer or Professional Surveyor and on all firms, partnerships or corporations or other legal entities authorized to offer or perform engineering or surveying services in this State. Each licensee is charged with having knowledge of the existence of the Rules and Regulations and shall be deemed to be familiar with its several provisions and to understand them.

## **Title 30: Professions and Occupations**

### **Part 901: Rules and Regulations of the Mississippi Board of Licensure for Professional Engineers and Surveyors**

#### **Part 901 Chapter 1: Organization, purpose, and operation of the Board**

**Rule 1.1 Purpose** - The Mississippi State Board of Licensure for Professional Engineers and Surveyors was created to ensure the safeguarding of life, health and property and to promote the public welfare.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.2 Authorization to achieve the purpose** - Current Mississippi Law provides a means for achieving the purpose through:

1. the establishment of minimum qualifications for entry into the professions of Engineering and Surveying;
2. authorizing power to adopt and amend all Rules and Regulations of procedure necessary for the proper performance of the Board's duties;
3. granting further power and authority to protect the public from the attempts of incompetent or unscrupulous persons to practice the professions of Engineering and Surveying, through provisions which enable swift and effective disciplinary actions.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.3 Composition and appointment of Board Members** - The Board is composed of nine (9) members - six (6) licensed professional engineers, and three (3) licensed professional surveyors who are not licensed professional engineers. Board Members are appointed by the Governor. Each appointment is made from a list of nominees furnished by the Mississippi Engineering Society (MES) and by the Mississippi Association of Professional Surveyors (MAPS). Appointments are for a term of four (4) years, and each Board Member is eligible for re-nomination and reappointment.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.4 Voting** - All members of the Board including the President shall be entitled to vote and to make or second motions. A majority vote of those present is required to pass a motion. A member expecting to be absent for a vote may provide written comments as to his position; however he may not grant a vote by proxy.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.5 Summary Description of Organization and Operation** - The Board is an agency of the

State of Mississippi. All costs of operation of the Board, including administrative, secretarial, clerical, investigative, equipment purchases and office rental, are paid from fees collected by the Board and authorized by annual appropriation by the Legislature. The Board may employ those persons required, qualified and authorized, including full or part-time, necessary to perform the administration of the Laws of the state and those rules regulating the practice of engineering and surveying. The Board will delegate authority and responsibility to the Executive Director for assigning duties to and obtaining adequate performance from the employees of the Board.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.6 Election** - The Board shall annually elect the following officers: President, Vice President and Secretary.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.7 Term of Office** - The term of office shall coincide with the Fiscal Year of the State of Mississippi, July 1 through June 30.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.8 Duties of Officers**

**1. President** - The President shall be the executive officer of the Board. When present he shall preside at all meetings. He shall appoint such committees as the Board may authorize from time to time. He shall cast one vote on all roll calls. He shall sign all certificates, the Annual Report to the Governor, and all other official documents. He shall, in the absence of a Secretary or Executive Director, sign checks. He shall perform all other duties usually pertaining to the office of President and permitted by Law.

**2. Vice-President** - The Vice-President, in the absence of the President, shall perform the duties delegated to the President except that only the President shall sign certificates, checks and the Annual Report to the Governor.

**3. Secretary** - The Secretary shall conduct all correspondence in the name of the Board except that performed by the President and that delegated to the Executive Director. The Secretary shall countersign all checks with the Executive Director of the Board. Additionally, he shall exercise supervisory authority over the Executive Director's administration of Board policy and the processing of its routine operations. He shall perform those other duties as prescribed by the statute.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.9 Vacancies** - If, for any reason, a vacancy shall occur in the Board, the President and the Secretary shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term, in accordance with the provisions of the Law. If the vacancy shall occur in the office of the President, the Vice-President and the Secretary shall prepare the notice to the Governor.

Such notice shall designate which appointed position is vacant and which society or association is to furnish the list from which the appointee is to be selected.

If a vacancy occurs in any office, or if any officer becomes incapacitated, the Board will elect a new officer in a regular meeting. If the position of Secretary becomes vacant, the President shall appoint a new secretary to fill the remaining portion of the term.

Source: *Miss. Code Ann.* §73-13-15

**1.10 Surety Bonds** - The President, Secretary, and Executive Director shall furnish surety bond to the State of Mississippi in an amount directed by the Board, said bond to be filed with the Secretary of State.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.11 Compensation and Expenses** - Board Members shall be compensated on a per diem basis for days actually spent in the performance of their duties attending to the work of the Board or any of its committees, and additionally shall be reimbursed for actual expenses incurred in the performance of their duties. The rates paid shall be in accordance with applicable Law.

Payment for per diem, travel and other expenses incurred by the Board and employees of the Board shall be authorized and approved by the Executive Director, President, or Secretary, in accordance with applicable Law.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.12 Executive Director** - The Board shall hire an Executive Director who shall be responsible for the administration of Board Policy and for the processing of its routine operations and is designated as agent for the Board for service of legal process upon the Board. The duties of the Executive Director shall be as determined by the Board.

1. The Executive Director shall countersign checks with the Secretary of the Board.

a. As an executive officer, the Executive Director shall serve at the pleasure of the Board. In the absence of an Executive Director, the Secretary shall assume the duties of the Executive Director, as necessary.

2. All correspondence to the Board, including requests for information and all submissions and other requests should be addressed to the Executive Director at the Board's office as follows:

Executive Director  
Mississippi State Board of Licensure for  
Professional Engineers and Surveyors  
660 North Street, Suite 400  
Jackson, Mississippi 39202

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.13 Principal Office** - The principal office of the Board shall be at Jackson, Mississippi. The statute states that, "It shall not be considered the duty of the State of Mississippi to provide office space and office equipment for the Board herein created."

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.14 Regular Meetings and Attendance**

1. The Board shall schedule at least two regular meetings each year, one in the first and third calendar quarters.
2. Board members shall attend all regular or special meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, or illness of the Board member, or illness of the member's immediate family. An absence for any other reason constitutes an unexcused absence.
3. No Board member may be absent from three consecutive meetings or be absent from more than three meetings during a single fiscal year unless the absence is excused for one of the reasons stated in subsection 2a of this rule. In the event a Board member has three consecutive unexcused absences or has unexcused absences for more than three meetings during a fiscal year, the Board shall petition the Governor to remove said member and to appoint a successor.
4. In the event of an unexcused absence from a Board meeting, NCEES meeting or other authorized meeting or seminar, a Board member shall reimburse the Board for expenses incurred by the Board such as meeting registration fees, hotel room deposits, and airline tickets.
  - a. "Family" consists of immediate family, nieces, nephews, aunts, uncles, cousins, and in-laws.
  - b. "Immediate family" consists of spouse, children, parents, parents-in-Law, siblings, grandchildren, and grandparents.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.15 Special Meetings** - Special meetings may be held as needed or as called by any officer or a quorum of the Board.

Source: *Miss. Code Ann.* §73-13-15

***Rule 1.16 Notice of Meeting***

1. The last item of business at each meeting will be to agree upon and schedule the dates and place of the next meeting. The Executive Director shall furnish written notice of any meeting to the media.
2. A call for a special meeting under emergency conditions may be issued by email or telephone by the Executive Director.

Source: *Miss. Code Ann.* §73-13-15

***Rule 1.17 Order of Business*** - The order of business at all regular and special meetings shall normally be as recommended by the Executive Director and at the pleasure of the President.

Source: *Miss. Code Ann.* §73-13-15

***Rule 1.18 Quorum*** - Five or more members present shall be a quorum.

Source: *Miss. Code Ann.* §73-13-15

***Rule 1.19 Robert's Rules of Order, Revised*** shall govern the proceedings of the Board except as otherwise provided herein or by statute.

Source: *Miss. Code Ann.* §73-13-15

***Rule 1.20 Open Meetings*** - In compliance with Open Meeting Laws of the State of Mississippi, members of the general public are welcome to attend meetings of the Board. The Board has adopted the following rules of conduct for members of the general public attending meetings of the Board.

1. Members of the public are requested to register with the Executive Director. Organized groups must have one (1) spokesperson.
2. Upon request, an individual or a spokesperson will be allowed to address the Board. Speaking time is limited to 10 minutes, unless extended by the presiding officer.
3. When the Board votes to go into Executive Session, all members of the general public must leave the meeting room; they will be advised when they may re-enter.
4. Members of the general public will behave in a calm, professional manner.
5. Failure to comply with these rules will be grounds for dismissal from the meeting.
6. If members of the public require special provisions accommodating a qualifying temporary or permanent disability in order to attend a Board meeting, a written request identifying the disability and accommodations needed must be submitted to the Executive Director 30 days

before the meeting. If this request is not submitted in advance, the availability of on-site accommodations is not guaranteed.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.21 Adoption of Rules and Regulations** - The Board shall promulgate and adopt Rules and Regulations.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.22 Seal of the Board** - The Board shall adopt a seal to be used where required or as appropriate.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.23 National Council** - The Board shall affiliate with the National Council of Examiners for Engineers and Surveyors (NCEES). The Secretary shall be, ex-officio, the delegate of the Board to the Council. If the Secretary is unable to attend, the President may appoint any other member as the delegate. Other members of the Board and the Executive Director may attend meetings as shall be determined by the Board. Additionally, the Board may authorize the attendance by the Assistant Attorney General, who is the legal advisor to the Board, and the Board investigator.

Source: *Miss. Code Ann.* §73-13-15

**Rule 1.24 Procedures for Inspection/Copying of Public Records** - All non-exempt public records used, prepared, possessed or retained by this Board in the performance of its function as a public body will be made available to any person for the purpose of inspection, copying or mechanical reproduction of same in accordance with the Mississippi Public Records Act of 1983 and the following procedures as duly adopted by this Board.

1. All requests shall be made in writing to the Executive Director of the Board, preferably upon the standard form provided by the Board. Each item of the request shall be concise, clear, specific, and dated and signed by the requesting party.
2. The Board will respond to such request no later than fourteen (14) government workdays from the date of the receipt of the request.
3. After the Board's response, non-exempt public records will be made available to the requesting party. The records may be reviewed Monday through Friday from 9:00 a.m. until 5:00 p.m. except on government holidays and any period during which the Board is in session. All such production of records shall be accomplished with a minimum of disruption of the on-going business of the Board and its employees.
4. The cost, to be pre-paid by the requesting party, for the mechanical reproduction of records will be calculated on the basis of fifty (50) cents per copy, with a minimum fee set at \$15.00.



5. Any postage costs in excess of one (1) dollar will be pre-paid by the requesting party.
6. The cost of labor to be pre-paid by the requesting party for the search, review and mechanical reproduction of records will be the actual cost to the Board.
7. No copies of records will be released to the requesting party until full payment in advance has been made hereunder.
8. The Board or its employees reserve the right to postpone copying or mechanically reproducing any records pending receipt of satisfactory prepayment covering the above-mentioned labor, reproduction and/or postage costs.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 2: DEFINITIONS**

***Rule 2.1 Definitions in Law*** - Applicable Mississippi Law provides for definitions of the following terms:

1. Board
2. Engineer or Professional Engineer
3. Engineer Intern
4. Practice of Engineering
5. Professional Surveyor
6. Surveyor Intern
7. Surveying
8. Practice of Surveying

Source: *Miss. Code Ann.* §73-13-15

***Rule 2.2*** The terms "licensure" and "enrollment" as set forth in the Law ,shall be defined as:

1. Enrollment is the official recognition by the Board of the applicant's successful completion of requirements to become an engineer intern or surveyor intern.
2. Licensure is the official recognition by the Board of the applicant's successful completion of requirements to practice the professions of engineering or surveying.

Source: *Miss. Code Ann.* §73-13-15

***Rule 2.3 Retired Licensee*** - The term "retired licensee" shall mean a person who has reached age 55 by December 31 of the renewal year and who no longer practices the professions of engineering and/or surveying.

Source: *Miss. Code Ann.* §73-13-15

**Rule 2.4 Consultation, Investigation and Evaluation** - The terms "consultation, investigation and evaluation" as used in the definition of the practice of engineering set forth in the Law, shall include, but are not limited to the following:

1. services involving the selection of proper tests to be performed for the purpose of developing design criteria;
2. forensic engineering services;
3. services for the purpose of determining causes of failures; and
4. analyses to provide recommendations for materials to be used in design, or judgment which relates to the acceptability of construction.

Source: *Miss. Code Ann.* §73-13-15

**Rule 2.5 Gross Negligence** - The term "gross negligence" as used in the Law shall mean the practice of engineering or surveying by a licensee characterized by reckless disregard for the rights, safety, or welfare of others, which could result in injury or damage to life or property or financial loss.

Source: *Miss. Code Ann.* §73-13-15

**Rule 2.6 Incompetency** - The term "incompetency" as used in the Law shall mean the practice of engineering or surveying by a licensee who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties undertaken.

Source: *Miss. Code Ann.* §73-13-15

**Rule 2.7 Misconduct** - The term "misconduct" as used in the Law shall mean the practice of engineering or surveying by a licensee who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of engineering and/or surveying.

Source: *Miss. Code Ann.* §73-13-15

**Rule 2.8 Supervision** - The terms "under his direction"..., "under the direction" and the terms "under his direct supervision" and "under his responsible supervisory control" will be construed by this Board to mean that the professional engineer or professional surveyor providing such supervision shall have made the decision on technical matters of policy and design and shall have exercised his professional judgment in all engineering and surveying matters that are embodied in the design and the plans, specifications, or other documents involved in the work. The term "supervision of construction" as it relates to an engineer shall mean the general oversight of an engineering project as it relates to the implementation of a design during construction. By applying his seal or signature to the final documents he signifies that he has complied with the requirements of these definitions, these Rules and Regulations, and applicable state Law and that he accepts responsibility therefore.

Source: *Miss. Code Ann.* §73-13-15

***Rule 2.9 Responsible Charge*** - The term "responsible charge" shall mean direct control and personal supervision of engineering work or surveying work done by oneself or by others over which the professional engineer or surveyor exercises supervisory authority under an employer-employee relationship.

Source: *Miss. Code Ann.* §73-13-15

### **Part 901 Chapter 3: APPLICATIONS**

#### ***Rule 3.1 Form of Application***

1. All applications for licensure shall be made on a printed form provided by the Board. Where space on the form does not permit an applicant to present his record of experience or practice, the applicant may provide supplementary sheets of white paper 8 1/2 x 11 inches in size. Such additional sheets shall be typed on one side only and shall be signed and dated. Applications must be clearly typewritten in black suitable for copy machines.
2. All questions must be answered, except as otherwise specified.
3. An application not properly completed, not containing all of the required information, or not accompanied by the required fee will be returned with a statement of the reason for return.
4. A recognizable photograph shall be attached to the application. The photograph shall be not more than six (6) months old, 2 by 2 inches overall (passport size), with face not less than 3/4 inches wide, with name of applicant and date the photograph was taken entered on the back of the photograph.
5. Applications shall be subscribed and sworn to before a Notary Public or other persons qualified to administer oath. Applications of students who take the examination while enrolled at Mississippi State University, the University of Mississippi, or Jackson State University may be signed by the Dean or the Dean's authorized representative.
6. The conditions set out in the application shall be construed to be a part of the Rules and Regulations.

Source: *Miss. Code Ann.* §73-13-15

#### ***Rule 3.2 Acceptance of Applications***

1. Withholding of information, misrepresentations, or untrue statements will be cause for denial of an application.

2. Persons who have been previously disciplined by the Board shall appear before the Board and show cause why they should be accepted as an applicant for licensure or enrollment.
3. No person shall be eligible for licensure or enrollment who is not of good character and reputation.

Source: *Miss. Code Ann.* §73-13-15

**Rule 3.3 Deadline to Submit Applications - For pencil-and-paper examinations**, all applications that require examinations shall be filed with the Board by December 15 for the April examination and by June 15 for the October examination. Applications received after these dates will be processed for the next scheduled examination.

Furthermore, to allow sufficient time for Board review, all required documentation must be received by January 15 to be considered for an April examination citation and by July 15 to be considered for an October examination citation. Applications that are not fully documented by these dates will be considered for later examinations.

Applications for **computer-based exams** may be submitted at any time. Applicants for computer-based exams should allow at least 90 days after the application is completed with all required documentation for the Board to review and officially act upon the application.

Source: *Miss. Code Ann.* §73-13-15

**Rule 3.4 Transcript** - When the Board requires a transcript showing subjects and grades of all scholastic work which the applicant wishes to claim, this transcript should also show degree issued, and date of issuance. It is the responsibility of the applicant to see that such record is sent directly from the institution to the Board office. No action will be taken by the Board until such information is received.

Source: *Miss. Code Ann.* §73-13-15

**Rule 3.5 Experience Record** - In relating experience, an applicant must account for the entire period of time which has elapsed since the beginning of the experience record.

Source: *Miss. Code Ann.* §73-13-15

**Rule 3.6 Applications Filed at State Universities** - Undergraduate students and graduate students enrolled in an ABET/EAC accredited Engineering curriculum at the University of Mississippi, Mississippi State University or Jackson State University shall apply for the FE examination in accordance with the process established by the Board and the university.

Source: *Miss. Code Ann.* §73-13-15

### ***Rule 3.7 Applications from Non-Residents***

1. Only applicants who are residents of Mississippi may apply for initial enrollment as an Engineer Intern or Surveyor Intern or for initial licensure as a Professional Engineer or Professional Surveyor. Initial PE applicants applying in accordance with the MOU between the Board and the Japan PE/FE Examiners Council (JPEC) are exempted from this rule requiring Mississippi residency.
2. The Board may require the applicant to furnish proof that he is a legal resident of Mississippi. For the purposes of this rule, "legal resident" shall mean a natural person whose domicile is within the state of Mississippi. "Domicile" shall likewise mean the place where such person actually resides with the intention of remaining there indefinitely or of returning there permanently when temporarily absent. Proof of legal residency may be shown by producing a valid Mississippi driver's license, a valid voter licensure card, or a certificate evidencing homestead exemption status.
3. Military personnel who are otherwise qualified to sit for examinations, but whose legal residence is located outside the State of Mississippi, may apply if sufficient proof is produced showing permanent party or temporary duty assignment to a military installation located within this state.
4. An applicant for engineer intern currently enrolled as an undergraduate or graduate student in an ABET/EAC accredited engineering curriculum at Mississippi State University, the University of Mississippi or Jackson State University is excluded from this rule.

Source: *Miss. Code Ann.* §73-13-15

### ***Rule 3.8 Applications from Applicants with Degrees from Foreign Schools***

1. **Degrees recognized by the Canadian Engineering Accreditation Board (CEAB)** - An applicant with an engineering degree in a curriculum recognized by the Canadian Engineering Accreditation Board (CEAB) will be considered to hold a degree equivalent to the ABET/EAC accredited degree.
2. **Non-ABET or Foreign Degrees** – Undergraduate engineering degrees from universities that are not ABET accredited must be evaluated by the Board-approved evaluation service(s). If the evaluation finds that a degree is meets the NCEES Engineering Education Standard, the applicant will be allowed to apply. If the evaluation finds that a degree does not meet the NCEES Engineering Education Standard, the applicant will not be allowed to apply, but will be advised of the courses necessary to cure the deficiency. An applicant with an undergraduate non-ABET or foreign degree plus a graduate degree from a university in a curriculum which is ABET accredited at the undergraduate level will qualify for application; the undergraduate degree will not need to be evaluated.
3. **Language Comprehension** - An initial applicant for licensure as a professional engineer or

surveyor whose primary language is other than English, shall submit to the Board a TOEFL (test of English), certificate with a score of 550 or higher. This test shall have been taken within two years of the application date. An applicant who has received a degree from an institution in an English-speaking country will be exempt from this requirement.

Source: *Miss. Code Ann.* §73-13-15

### **3.9 Reconsideration of Action on an Application**

1. Reconsideration request - An applicant may request reconsideration of a denial of application if request is based on additional information and/or evidence which could affect the Board's decision.
2. Time limit for reconsideration - A reconsideration request must be made within 60 days after notice of denial has been mailed.
3. Personal appearance - An applicant may file a written request to appear before the Board to support the presentation of the additional information and/or evidence. Such additional information or evidence must be filed at the Board office at least 30 days before the scheduled date of appearance.

Source: *Miss. Code Ann.* §73-13-15

**Rule 3.10 Disposition of Applications** - Applications may be approved; deferred for more experience or additional references or other reasons; closed; or denied.

1. **Approved applications**
  - a. When an application is approved by the Board for citation to an examination, the applicant shall be notified by the Executive Director. The action of the Board shall be spread on the minutes.
  - b. When an applicant has met the qualifications for licensure, the applicant shall be notified of licensure and the action of the Board shall be spread on the minutes.
2. **Deferred applications** - Deferred applications shall remain on file for one year from date of deferment. If the reason for deferment is not removed within this time, the application will be closed.

Source: *Miss. Code Ann.* §73-13-15

**Rule 3.11 Reapplication** - An applicant not otherwise prohibited by the Board may reapply.

Source: *Miss. Code Ann.* §73-13-15

### ***Rule 3.12 Retention of Applications***

1. Retention Schedule - In accordance with the following retention schedule, the following records will be maintained on file in the Board office for the period shown:
  - a. Professional Engineer or Surveyor - microfilmed files retained for 75 years or until 7 years after death, whichever occurs sooner.
  - b. Engineer or Surveyor Intern – records retained for 75 years or until 7 years after death, whichever occurs sooner.
  - c. Closed or denied - two (2) years
2. Any application that involved disciplinary action or violations will be retained indefinitely.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 4: COMITY LICENSURE**

***Rule 4.1 Requirements*** - Licensure as Professional Engineer or Professional Surveyor by comity will be granted provided the applicant is currently licensed and in good standing with other NCEES member Boards and meets all current Mississippi requirements. A PE comity applicant licensed prior to 1970 by examination requirements differing from those specified in Rule 11.0 may be deemed to meet current Mississippi examination requirements if the Board determines that the examinations actually completed are equivalent to those required by Rule 11.0.

The Board may recognize examinations passed before the applicant had accrued sufficient qualifying experience according to Mississippi experience requirements, if: 1) the applicant was a resident of the state in which he was examined and the examinations were passed in accordance with that state's regulations in effect at the time, and, 2) the experience deficiency according to Mississippi experience requirements has been cured.

Source: *Miss. Code Ann.* §73-13-15

***Rule 4.2 Surveyor Requirements*** - Licensure as a Professional Surveyor by comity will be granted only to applicants who are licensed by fourteen (14) hours of NCEES examinations, or its equivalency as determined by the Board. The Mississippi Section examination (2 hours) will be required of all applicants for licensure by comity.

Source: *Miss. Code Ann.* §73-13-15

***Rule 4.3 NCEES Record*** - If a properly executed NCEES Record, prepared by the NCEES Records office, is provided with certified copies verifying applicant's educational qualifications, experience record, responses from references and licensure in another state or states where the sixteen (16) hour examination was passed, the applicant will be required to complete only those sections of the

application form dealing with General Information, Licensure in other states, and the Affidavit.

Source: *Miss. Code Ann.* §73-13-15

**Rule 4.4 Certificate of Licensure** - The certificate of licensure for a Professional Engineer comity licensee will bear the date the application is approved by the Board in accordance with Board procedures. The certificate of licensure for a Professional Surveyor comity licensee will bear the date the Mississippi Section examination is successfully completed.

Source: *Miss. Code Ann.* §73-13-15

**Rule 4.5 Limited Licensure for Expert Technical Testimony**

1. Subject to the provisions of item 2 below, any person not licensed to practice engineering in this state and who desires to provide expert testimony in the field of engineering in the form of an opinion or otherwise in any judicial or administrative proceeding, must apply to the Board for a limited license. Said license shall be administratively granted, provide that each such person shall:

- a. provide his or her full name, residence address, office address, voice and facsimile telephone numbers, and email address;
- b. provide the full name, office address, voice and facsimile telephone numbers, and email address for each firm, practice group or other entity with which he or she is associated in the practice of engineering;
- c. provide evidence that he or she is licensed to practice engineering in another jurisdiction and is in good standing in that jurisdiction;
- d. bind himself or herself to adhere to the principles of ethics and professional responsibility general applicable to persons licensed to practice engineering in Mississippi;
- e. give notice to the board of the fact of his or her initial appearance as aforesaid, in substantial compliance with a form to be made available by the Board prior to or within thirty (30) days after providing such testimony, as may be prescribed by the Board (no notice is required for subsequent appearances if the limited license is still current and in good standing);
- f. pay the current application fee for the initial appearance and, if desired, renew the limited license when it expires;
- g. submit himself or herself to the jurisdiction of the Board of Licensure for the application, administration and enforcement of this rule.

2. This rule does not apply to any practice, work or service exempt from Miss. Code Ann.



Sections 73-13-1 through 73-13-45 by Miss. Code Ann. Section 73-13-41, and shall not be construed to prevent or affect the right of any person to provide testimony concerning any such practice, work or service. By way of example, and not of limitation, a person, who provides work or service “under the responsibility, checking and supervision” of a licensee, may, without the limited license required by Section 1, testify fully in any judicial or administrative proceeding in this state concerning such work or services, including his or her opinions, other findings, and the grounds therefore relating to such work or services, including expert testimony in the field of engineering to the extent permitted or required by the court or agency within whose jurisdiction the testimony is provided, and/or the judicial or administrative processes pertaining thereto.

3. Nothing contained in this rule or in the Board’s administration thereof may unreasonably burden any state or federal court or any administrative agency in the administration of rules governing the permissibility of, and admissibility of, testimony by expert witnesses in the form of an opinion or otherwise.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 5: FEES**

***Rule 5.1 Method of Payment*** - Fees are payable to Mississippi State Board of Licensure for Professional Engineers and Surveyors, 660 North Street, Suite 400, Jackson, MS 39202. Payment of fees must be made by check or money order and upon availability, by credit card or echeck online at the Board’s website. Checks returned for insufficient funds will result in an additional charge of forty dollars (\$40.00). Applications received without the proper fee will be returned to the applicant.

Source: *Miss. Code Ann.* §73-13-15

***Rule 5.2 Fee Schedule*** - Fees shall be in accordance with the current Fee Schedule, available upon request. The Board has adopted fees for the following items:

- a. Applications
- b. Examinations
- c. Verification Fee
- d. Reproduction Fee
- e. Renewal of licensure
- f. Renewal of dual licensures
- g. Roster
- h. Processing fee
- i. Mailing list
- j. Replace/Duplicate Certificate
- k. Insufficient fund checks

Source: *Miss. Code Ann.* §73-13-15

***Rule 5.3 Refunds*** - Once an application has been accepted for processing, there will be no refund of

the application fee.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 6: ROSTER**

**Rule 6.1 Schedule of Printing** - The roster will be available electronically to the Governor, the Secretary of State, and the chancery clerks. It is available to all others on the Board's web site at no cost. At the Board's discretion, a biennial roster *may* be printed in a limited quantity, and available for a fee set by the Board.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 7: RETIRED LICENSEES**

**Rule 7.1 Qualifications** - Retired Professional Engineers and Surveyors who have reached the age of 55 by December 31 of the renewal year, and are no longer offering their professional services to the public may request retired status and not be required to pay renewal fees.

Source: *Miss. Code Ann.* §73-13-15

**Rule 7.2 Listing in Roster** - Retired licensees must annually file a written request and pay an annual \$10.00 administrative fee to be listed separately in the Roster. This administrative fee will include the cost of a biennial Roster to be furnished to retired licensees upon written request.

Source: *Miss. Code Ann.* §73-13-15

**Rule 7.3 Reregistering after Retirement** - Retired licensees are cautioned that should they desire to reenter active practice after five (5) years from their retirement date, or July 1, 1991, whichever is later, they will be subject to reexamination as well as paying back fees in accordance with §73-13-31 of the Law. ***The reexamination requirement may be waived by the Board provided the retired licensee has continued to legally practice in another jurisdiction from the date of his retirement in Mississippi.***

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 8: CURRICULA APPROVED BY THE BOARD**

**Rule 8.1 Engineering Curricula** - The phrase "engineering curriculum of four (4) years or more from a school or college approved by the Board as of satisfactory standing" or "graduation in an accredited engineering curriculum of four (4) scholastic years or more from a school or college approved by the Board as of satisfactory standing" as used in the Law, is interpreted by the Board to mean:

1. **Baccalaureate Degree Accredited by EAC/ABET** - A baccalaureate degree accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for

Engineering and Technology (ABET) or its equivalent.

2. **Degrees recognized by the Canadian Engineering Accreditation Board (CEAB)** - An applicant with an engineering degree in a curriculum recognized by the Canadian Engineering Accreditation Board (CEAB) will be considered to hold a degree equivalent to the EAC/ABET accredited degree.
3. **Foreign Degrees accredited by the EAC/ABET** - Degrees from foreign universities that are evaluated and accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET).
4. **Degrees evaluated as meeting the NCEES Engineering Education Standard** – Degrees from universities that are evaluated by the Board-approved evaluation service and found to meet the NCEES Engineering Education Standard. The evaluation must be completed *prior to* submitting the application to the Board office.
  - a. If the evaluation finds deficiencies in humanities, social sciences, or general education, and the applicant is applying for the FE exam or the PE exam, or the applicant is a comity applicant who has been licensed less than five years, then the deficiencies must be remediated by taking additional coursework. The Board must approve the additional coursework proposed by the applicant, prior to beginning the course(s).
  - b. If the evaluation finds deficiencies in humanities, social sciences, or general education, and the applicant is a comity applicant who has been licensed five years or longer, then additional coursework will not be required.
  - c. If the evaluation finds deficiencies in areas *other than* humanities, social sciences, or general education, the deficiencies must be remediated by taking additional coursework, *regardless* of whether the applicant is a comity applicant or an applicant for the FE or PE exams. The Board must approve the additional coursework proposed by the applicant, prior to beginning the course(s).

Source: *Miss. Code Ann.* §73-13-15

**Rule 8.2 Surveying Curricula Approved by the Board** - The phrase "successful completion of a curriculum of two (2) scholastic years or more" is interpreted by the Board to mean completion of a minimum of sixty-two (62) semester hours from a school or college approved by the Board in the courses listed below, with a grade point average of 2.0 or higher on a 4.0 point scale in the technical courses of surveying, math, physics, graphics, and computer science:

<b><u>Subject</u></b>	<b><u>Minimum Semester Hours Required</u></b>
Surveying	9
Mathematics: algebra, trigonometry, calculus I or higher	9
Physics	8
Graphics	3

Computer Science	6
English Composition/Writing	9
Electives*	<u>18</u>
Total	62

\*Recommended: Accounting, Real Estate, Land Law, Astronomy, General Business, Business Law

Source: *Miss. Code Ann.* §73-13-15

**Rule 8.3 Related science –**

- a. For Engineer Intern or Professional Engineer applicants, a related science curriculum, in order to be approved by the board, must be a four-year curriculum leading to a bachelor of science degree in chemistry, biology, geology, physics, mathematics, computer science, or a similar science curriculum deemed acceptable to the board.
- b. For Surveyor Intern or Professional Surveyor applicants, a related science curriculum, in order to be approved by the board, must be a four-year curriculum leading to a bachelor of science degree in engineering, mathematics, forestry, GIS, cartography, or a similar science curriculum deemed acceptable to the board.

Source: *Miss. Code Ann.* §73-13-15

**Part 901 Chapter 9: EXPERIENCE**

**Rule 9.1 Evaluation of Experience - General, All Applicants-** The Board will take the following criteria into consideration when evaluating experience:

1. **Concurrent Time** - Concurrent time, that is, time spent in engineering or surveying work while attending school, will be credited either as education experience or work experience, but not as both; provided, however, engineering students who complete a formal cooperative engineering education (ABET accredited) program of 52 weeks or more will be granted six (6) months of experience credit. Engineering students who complete a formal cooperative engineering (ABET accredited) education program of at least 26 weeks, but less than 52 weeks, will be granted three (3) months of experience credit. No experience credit of less than three (3) months will be granted.
2. **Military Experience** - Military experience ,to be creditable, must have been spent in engineering and/or surveying and of a character equivalent to that required in the civilian sector in like work.
3. **Anticipated Experience** - Experience must not be anticipated, that is, the application must not be postdated. The experience must have been acquired at the time the application is submitted.

**4. Actual Work Experience for Initial (first time) Licensure Applicants**

- a. Qualifying professional engineering experience must be obtained under the supervision of a licensed professional engineer.
- b. Qualifying professional surveying experience must be obtained under the supervision of a licensed professional surveyor.
- c. With reference to Mississippi statutes 73-13-23 and 73-13-77 and Rule 11.18, applicants seeking dual licensure (both Professional Engineer and Professional Surveyor) must meet the experience requirements for each license.
- d. If the experience was not obtained under the direct supervision of a licensed professional engineer or professional surveyor, then the indirect supervision must be satisfactorily explained with respect to the degree and type of supervision received.

**5. Actual Work Experience for Comity Licensure Applicants**

- a. Professional Engineer applicants for comity licensure who have been licensed and practicing for ten years or more should submit experience verification forms from prior supervisors. If these cannot be obtained, the applicant should provide a written explanation or justification for why experience verification forms from prior supervisors cannot be obtained. In such circumstances, the Board will consider experience verification forms or character reference forms from Professional Engineers who are familiar with the applicant's work.
- b. Professional Engineer applicants for comity licensure who have been licensed and practicing for less than ten years must submit experience verification forms from Professional Engineer supervisors who had review and approval authority over the applicant's work.
- c. Professional Surveyor applicants for comity licensure who have been licensed and practicing for ten years or more should submit experience verification forms from prior supervisor. If these cannot be obtained, the applicant should provide a written explanation or justification for why experience verification forms from prior supervisors cannot be obtained. In such circumstances, the Board will consider experience verification forms or character reference from Professional Engineers who are familiar with the applicant's work.
- d. Professional Surveyor applicants for comity licensure who have been licensed and practicing for less than ten years must submit experience verification forms from Professional Surveyor supervisors who had review and approval authority over the applicant's work.
- e. If the comity licensure applicant's experience cannot be verified and documented in

accordance with the four procedures listed above, the Board may deny licensure, or, in the alternative, may require substantial additional documentation to verify the applicant's qualifying experience to the Board's satisfaction.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.2 Evaluation of Experience – Engineering** - Work experience must be progressive and of an increasing standard of quality and responsibility and must follow graduation, except for the experience credit granted for completion of a formal cooperative engineering education program as provided in Rule 9.01 above.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.3 Sales Experience** - For sales experience to be creditable, it must be demonstrated conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalogue or a similar publication will not be considered engineering experience.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.4 Undergraduate Degree Credit** - In no case shall an applicant receive more than four (4) years of experience credit for undergraduate education.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.5 Graduate Degree Credit** - Successful completion of a master's degree will be credited as one (1) year of engineering experience. Completion of a Ph.D. will be credited as three (3) years of experience. No more than a total of three (3) years experience may be gained through advance study. Graduate degrees must be in a curriculum that has an undergraduate EAC/ABET accredited program.

Experience credit for graduate degrees shall not be allowed when the graduate degree is used to satisfy the education requirements of Mississippi Statute 73-13-23.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.6 Teaching Experience** - For teaching experience to be creditable, the engineer applicant must have taught in an engineering curriculum accredited by EAC/ABET and must have been employed in the rank of assistant professor or higher.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.7 Industrial Experience** - Industrial engineering experience should be directed toward the identification and solution of practical problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing physical systems and the design of new physical systems.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.8 Design Experience** - The Board gives particular attention to design experience. The applicant should have meaningful experience under the supervision of a licensed professional engineer in designing systems, components, or processes that meet public need. This experience should include exposure to the formation of design problem statements and specifications, consideration of alternative solutions, feasibility considerations, and detailed systems descriptions.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.9 Construction Experience** - Experience in construction supervision must include use of engineering skills in assuring compliance with specifications and design.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.10 Evaluation of Experience – Surveying**

1. Work experience must be progressive and of an increasing standard of quality and responsibility. It should include field assignments, office assignments, researching records and property line surveying. An applicant for initial PS licensure (first licensure in any state) must have property line surveying experience for at least 50% of his/her total amount of experience.

2. Surveyor Intern applicants qualifying based solely on education shall not be required to submit experience verification documentation. Surveyor Intern applicants qualifying based on experience, or a combination of education and experience, will be required to submit experience verification form(s) from a Professional Surveyor supervisor sufficient to verify the required amount of qualifying experience; a minimum of one experience verification form is required.

Source: *Miss. Code Ann.* §73-13-15

**Rule 9.11 Mentoring** – An applicant may acquire qualifying engineering experience through a mentoring arrangement.

1. There is a 2:1 ratio of mentoring experience to qualifying experience; that is, 2 years of experience acquired through a mentoring arrangement equates to 1 year of qualifying engineering experience.

2. The mentoring arrangement must have pre-approval by the Board. The applicant must submit a written proposal for a mentoring arrangement to the Board describing: the applicant's current employment status, description of job responsibilities, qualifications of the non-licensee supervising the applicant on a daily basis, biographical data of the mentoring PE, written certification from the mentoring PE agreeing to serve, proposed format of meetings. Meetings between the applicant and the mentoring PE must occur at least monthly.

3. Once the mentoring arrangement has been approved by the Board, it may begin. The applicant

shall prepare a report of each meeting, a statement indicating whether or not it was responsible charge work and if the work was performed according to industry standards, and the mentoring PE's seal and signature. A copy of this monthly report shall be sent to the Board.

4. At the conclusion of the mentoring relationship, the mentoring PE shall provide a statement bearing his seal and signature recommending the applicant for licensure.

5. When the applicant submits his PE application, he shall submit in a separate binder a compilation of all the monthly reports, any notes, drawings, and miscellaneous items, and the original final statement of recommendation from the mentoring PE.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 10: REFERENCES**

***Rule 10.1 Responsibility of Applicant for References*** - The applicant shall furnish on his application the names, addresses, and if applicable, the states in which references are licensed as professional engineers or professional surveyors. It is the sole responsibility of the applicant to provide all reference information.

Reference forms which are signed and dated within the previous two years may be transferred from a closed application to a new application at the applicant's request. However, applicants seeking initial licensure/enrollment must submit at least one reference form from their licensed supervisor dated within the past six months, comity applicants submitting an NCEES Record must submit at least one reference form dated within the past twelve months from another licensee who has knowledge of the applicant's experience during the most recent twelve months, and comity applicants who are not submitting an NCEES Record must submit at least one reference form dated within the past six months, from another licensee who has knowledge of the applicant's experience during the most recent six months.

Source: *Miss. Code Ann.* §73-13-15

***Rule 10.2 References' Qualifications*** - At least three (3) of the five (5) references must be currently licensed; however, it is desirable that all the references be qualified to evaluate the applicant's training and experience. All references should know the applicant personally. A "referencing" Professional Engineer may be licensed in any state in the United States or in Canada or by the Japan PE/FE Examiners Council (JPEC), or other national licensing authorities as approved by the Board.

Source: *Miss. Code Ann.* §73-13-15

***Rule 10.3 Reference Information Provided to the Board is Confidential*** - The Mississippi Public Records Act of 1983 exempts recommendations respecting applications for a professional certificate; therefore, except for the amount of verified experience, all reference information is confidential and available only to the Board.



Source: *Miss. Code Ann.* §73-13-15

**Rule 10.4 Reference Responsibility** - It is the responsibility of the licensee to provide an honest appraisal of applicants considered for enrollment or licensure.

Source: *Miss. Code Ann.* §73-13-15

**Rule 10.5 Failure of a Reference to Respond** - The Board may find it necessary to correspond directly with a reference to seek clarification of the reference's statements. If any reference fails or declines to cooperate with the Board within a reasonable time, all information submitted by the reference may be disregarded.

**Note:** References are considered by the Board to include the Professional Engineer and Professional Surveyor who bore the responsibility for actual work experience.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 11: EXAMINATIONS**

**Rule 11.1 Uniform National Examinations** - The Board uses examinations offered by the National Council of Examiners for Engineers and Surveyors (NCEES). These examinations have been developed by appropriate committees of NCEES, staffed by experienced, mature licensees under the guidance of a nationally recognized evaluation organization and professional psychometricians. Each examination has been validated with regard to content, relevancy of problems, and scoring. The phrase “written examination” as used in the Law, is interpreted to include computer-based format examinations.

Source: *Miss. Code Ann.* §73-13-15

### **Rule 11.2 Benefits of Using Uniform National Examinations**

1. To draw upon the knowledge and proficiency of professional engineers in all branches of engineering, and of surveyors in the responsibilities relevant to the practice of surveying.
2. To help assure that Mississippi licensees are given equal consideration when seeking licensure in other states.
3. To establish and maintain greater public confidence in the administration of the examinations.

Source: *Miss. Code Ann.* §73-13-15

### **Rule 11.3 Classification of Engineering Examinations**

1. **Fundamentals of Engineering** - This is known as the FE examination. An applicant for enrollment as an Engineer Intern will be permitted to sit for the FE examination only after the

Board has established that all requirements of the Law and Rules and Regulations have been met.

2. **Principles and Practice of Engineering** - This examination is known as the PPE examination and is offered by discipline. An applicant for licensure as a Professional Engineer will be permitted to sit for the PPE examination only after the FE examination has been passed, enrollment has been accomplished and the experience requirements and other requirements of the Law and Rules and Regulations have been met.

Source: *Miss. Code Ann.* §73-13-15

#### ***Rule 11.4 Classification of Surveying Examinations***

1. **Fundamentals of Surveying** - This examination is known as the FS examination. An applicant for enrollment as a Surveyor Intern will be permitted to sit for the FS examination only after the Board has established that all requirements of the Law and Rules and Regulations have been met.
2. **Principles and Practice of Surveying** - This examination is known as the PPS examination. An applicant for licensure as a Professional Surveyor will be permitted to sit for the PPS examination only after the FS examination has been passed and the experience requirements and other requirements of the Law and Rules and Regulations have been met.
3. **Mississippi Section** - This examination is closed book examination prepared by the Board. It is offered to applicants in April and October.

Source: *Miss. Code Ann.* §73-13-15

#### ***Rule 11.5 Dates***

**1. Dates offered** – Computer-based examinations are offered throughout the year while “pencil and paper” examinations are offered in April and October on dates set by NCEES. Dates are available from the Board office.

Source: *Miss. Code Ann.* §73-13-15

***Rule 11.6 Disciplines offered*** - the Principles and Practices of Engineering will be offered in all disciplines on the same schedule for which examinations are prepared and furnished by NCEES.

Source: *Miss. Code Ann.* §73-13-15

***Rule 11.7 Language of the Examination*** - The language of the examination will be English.

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.8 Study Information** - The Board does not distribute copies of questions used on prior examinations. NCEES does offer for sale books and booklets containing typical questions used on prior examinations which may be purchased directly from the National Council of Examiners for Engineering and Surveying. The address is:

National Council of Examiners for Engineering  
and Surveying (NCEES)  
Post Office Box 1686  
Clemson, South Carolina 29633-1686

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.9 Instructions for Examinees** - Instructions provided during the citation process prior to each examination will declare an examination to be open or closed book.

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.10 Authorized Materials in Examination Room** - With reference to authorized materials and devices in the examination room, current NCEES guidelines will be followed

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.11 Compliance with Examination Policies and Procedures.** Examinees shall abide by the exam administrator's published examination policies and procedures. An examinee who does not fully comply with the exam administrator's requirements may, in addition to any action by the Board, be subject to dismissal from the remainder of the examination.

**1. Noncompliant Conduct in Association with Examinations.** An examinee may be dismissed from the examination and subject to disciplinary or other Board action for conduct including, but not limited to:

- (a) Cheating on the examination;
- (b) Giving assistance to, or receiving assistance from, another person;
- (c) Compromising the integrity of the examination;
- (d) Disruptive or abusive behavior;
- (e) Participating in any form of violation of exam policies or procedures during an examination.

**2. Consequences of Noncompliant Conduct with Examination Policies and Procedures.**

Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination may also be a cause for action by the Board. An examinee who does not fully comply with the exam administrator's policies and procedures during and after an examination will be subject to having their exam results invalidated and being prohibited from taking the examination(s) for a period of time as determined by the Board.

**3. Pending, Approved and Endorsement Applications for Noncompliant Examinees.** Any application for licensure pending or approved for examination may be denied and evaluated or re-evaluated pursuant to Board rules. Any licensure examination taken and passed in another state while barred from taking an examination in Mississippi will not be acceptable for licensure purposes in Mississippi.

Source: *Miss. Code Ann.* §73-13-15

***Rule 11.12 Exam Opportunities***

**1. Exam opportunities for computer-based exams** – For each application, the Board’s official “approval” to take the exam expires after two years. The applicant is allowed up to three citations (opportunities) during each year to take and pass the exam. If the applicant is not successful by the end of the second year, the application is closed, and a new application must be submitted for Board approval.

**2. Exam opportunities for pencil-and-paper exams except the Structural PE exam** – For the initial application, the applicant is allowed three (3) consecutive citations, that is, three (3) consecutive opportunities, to take the examination. The citations “count”, whether the applicant actually takes the examination or not. If the applicant is not successful by the third citation, the initial application is closed.

To attempt the exam again, the applicant must submit a new application to be approved by the Board, and will be allowed only one citation per application, subject to the restrictions below. For pencil-and-paper exams, this one citation “counts”, whether the applicant actually takes the examination or not at the next offering of the exam.

An applicant having three or more unsuccessful attempts of the same exam, regardless of the jurisdiction in which the exam is administered, must submit an application to be readmitted to future administrations of the same exam. If readmitted by the Board, the applicant may take the exam no sooner than eleven months following the most recent attempt.

**3.** With reference to the two hour Mississippi Section PS exam, an applicant who cancels an exam which he has previously agreed to attend or who fails to appear on the day of the exam, shall not receive a refund of any exam fee already paid.

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.13 Examination Results** - Examination results will be supplied by first class mail to the address of record of each examinee.

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.14 Verification of exam results** - Verification of exam results by hand scoring is done by the National Council of Examiners for Engineering and Surveying (NCEES) for a \$75.00 fee paid by

the examinee. A request for a hand scoring must be in writing to the Board, accompanied by a \$75.00 check made payable to NCEES, and must be submitted within 60 days of release of the examinee's original results. The Board will review the request and submit it to NCEES. Once a request is received, NCEES will hand score using a template, and provide written notification to the Board regarding the results. No specific examinee comments will be addressed

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.15 Examination for Record Purposes** – If needed for record purposes, any person already licensed by this Board, or another state board, may take the appropriate examination in the Fundamentals and/or Principles and Practice upon payment of the established fee and upon approval by the Board. In order for this request to be considered by the Board, a detailed letter of explanation regarding the reasons for taking the exam shall be submitted in accordance with Rule 3.3. Failure to pass an examination by a person licensed and practicing will in no way affect current licensure.

Be advised that the limitation on exam retakes, set in Rule 11.12, applies to “record purposes” applicants as well.

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.16 Credit for Passing the Principles and Practice of Surveying Examination** - A Surveyor applicant who passes one of the required examinations, PPLS and the Mississippi Section, but fails the other, may retain credit for the passed examination indefinitely.

Source: *Miss. Code Ann.* §73-13-15

**Rule 11.17 Expiration of Enrollment** - Enrollment as engineer intern or surveyor intern does not expire.

Source: *Miss. Code Ann.* §73-13-15

### **Rule 11.18 – Summary of Licensure/Enrollment Requirements**

**1. Engineer Intern** - an applicant must have an ABET accredited B.S. degree in engineering, or a degree evaluated and found to meet the NCEES engineering education standard, or a B.S. degree in engineering, engineering technology, or a related science that is not ABET accredited *plus* a graduate degree in a curriculum that is ABET accredited at the undergraduate level, pass the Fundamentals of Engineering examination, and meet the other requirements of the Law and Rules and Regulations in order to be enrolled as an Engineer Intern.

#### **2. Surveyor Intern** –

a. Education Based: an applicant must have met one of the education options in Section 73-13-77(2)(a)(i), (ii), (iii), or (iv) of the Law, passed the Fundamentals of Surveying examination, and met the other requirements of the Law and Rules and Regulations in order to be enrolled as a Surveyor Intern.

b. Experience Based: an applicant must have a high school diploma or equivalent, obtained eight years of qualifying surveying experience verified by Professional Surveyor supervisor references, passed the Fundamentals of Surveying examination, and met the other requirements of the Law and Rules and Regulations in order to be enrolled as a Surveyor Intern.

**3. Professional Engineer** - an applicant must have an ABET accredited B.S. degree in engineering, or a degree evaluated and found to meet the NCEES engineering education standard, or a B.S. degree in engineering, engineering technology, or a related science that is not ABET accredited *plus* a graduate degree in a curriculum that is ABET accredited at the undergraduate level, obtained four full years of qualifying engineering experience verified by PE references, passed the Fundamentals of Engineering examination, passed the Principles & Practice of Engineering examination, and met the other requirements of the Law and the Rules and Regulations in order to be licensed as a Professional Engineer.

**4. Professional Surveyor** -

a. Education Based: in accordance with Mississippi law and the Board regulations, an applicant must have acceptably completed 62 hours of approved courses, obtained three full years of qualifying surveying experience verified by Professional Surveyor supervisor references, passed the Fundamentals of Surveying examination, passed the Principles & Practice of Surveying examination, and passed the Mississippi Section examination in order to be licensed as a Professional Surveyor.

b. Experience Based: in accordance with Mississippi law and the Board regulations, an applicant must have obtained seven full years of qualifying surveying experience verified by Professional Surveyor supervisor references, passed the Fundamentals of Surveying examination, passed the Principles & Practice of Surveying examination, and passed the Mississippi Section examination in order to be licensed as a Professional Surveyor.

Source: *Miss. Code Ann.* §73-13-15

**Part 901 Chapter 12: CLASSIFICATIONS**

***Rule 12.1 Classifications of Licensure or Enrollment*** - Applicants shall be licensed as "Professional Engineers" or "Professional Surveyors" or enrolled as "Engineer Interns" or "Surveyor Interns."

Source: *Miss. Code Ann.* §73-13-15

***Rule 12.2 Disciplines of Engineering*** - Mississippi Law makes no specific designations as to the disciplines of engineering practice for which Certificates of Licensure as Professional Engineer are issued; however, the Code of Professional Conduct provides that a professional engineer shall practice only in the disciplines in which he is qualified by education and/or experience.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 13: LICENSURE OR ENROLLMENT**

***Rule 13.1 Licensure or Enrollment Number*** - At the time an applicant is granted licensure or enrollment by the Board, he will be assigned a serial number. These numbers will be issued consecutively.

Source: *Miss. Code Ann.* §73-13-15

***Rule 13.2 Notification of Licensure*** - The Executive Director shall provide each licensee with the following:

1. A letter which includes the effective date, basis of licensure, an assigned serial number, and a statement that a certificate will be issued.
2. A copy of the Law and the Rules and Regulations of the Board.
3. A certificate which will be mailed to each licensee upon receipt of proof of seal.

Source: *Miss. Code Ann.* §73-13-15

***Rule 13.3 Notification of Enrollment*** - The Executive Director will provide each enrollee with the following:

1. A letter which includes the effective date, basis of enrollment, an assigned serial number, and the date of expiration of enrollment as an Engineer Intern or Surveyor Intern.
2. A Certificate of Enrollment.

Source: *Miss. Code Ann.* §73-13-15

***Rule 13.4 Replacement or Duplication of Certificates*** - A licensee in good standing may submit a written request for a new certificate. The payment of a fee is required.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 14: SEALS**

***Rule 14.1 Seal of the Board*** - The seal of the Board shall be circular in form, two (2) inches in diameter and shall be imprinted on all certificates issued by the Board.

Source: *Miss. Code Ann.* §73-13-15

***Rule 14.2 Seal of the Licensee***

1. Upon completion of licensure, the licensee will be advised that he shall secure an official seal

which shall be applied to engineering drawings, specifications, reports and other engineering or surveying documents prepared by him or under his responsible supervisory control. A copy of the seal imprint shall be furnished to the Board before the certificate of licensure will be released. Failure to provide proof of seal may result in disciplinary action by the Board.

2. The seals to be used by the licensees are to be circular in form and from 1 5/8 to 2 inches in diameter. A copy of the design is included in this publication.
3. Seals obtained prior to the adoption of this rule and which are in conformance with prior Board rules are acceptable.
4. Rubber stamps, which are identical to the approved seals, in size, design and content may be used by the licensee at his option.

Source: *Miss. Code Ann.* §73-13-15

#### ***Rule 14.3 Seal on Documents***

1. The seal, signature and date on a document constitute a certification that the document was prepared by the licensee or under his direct supervision.
2. a. Each sheet of plans, drawings, documents, specifications and reports for engineering practice and of maps, plats, charts shall be signed, sealed and dated by the licensee preparing them, prepared under his direct supervisory control, or reviewed by him in sufficient depth to fully coordinate and assume responsibility for documents prepared by another professional engineer.  
  
b. Each sheet of maps, plats, charts, documents, and reports for land surveying practice shall be signed, sealed, and dated by the licensee preparing them or prepared under his direct supervisory control.
3. Where more than one sheet is bound together in one volume, the licensee who prepared such volume, or under whose direction and control such volume was prepared, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another licensee, be signed, and/or sealed and dated by said other licensee.
4. Additions, deletions or other revisions affecting public health and safety or state and local codes may be made only if they are subsequently signed, sealed and dated by the licensee who made the revisions or under whose direction and control said revisions were made.

Source: *Miss. Code Ann.* §73-13-15

***Rule 14.4 Prototypical Projects*** - Documents prepared for projects that are designed by other engineers to be built in various locations with few changes, except site adaptation, may be sealed by

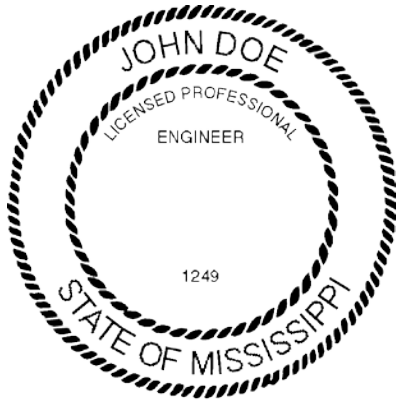


a Mississippi licensee under the following conditions:

1. Written permission of the original engineer(s) to adapt the documents.
2. Each sheet of plans, drawings, documents, specifications and reports shall be signed, sealed and dated by the engineer who performed the original design and shall also be signed, sealed and dated by the Mississippi licensee who has reviewed the documents in sufficient depth to fully coordinate and assume responsibility.
3. Documentation of all changes made to the original documents.
4. The following written certification shall accompany the seal and signature on each sheet: "I have reviewed this document in sufficient depth to accept full responsibility for its contents and to assure code compliance and coordination."

Source: *Miss. Code Ann.* §73-13-15

***Rule 14.05 Design of Seal***



**PE**



**PS**



**DUAL**

Source: *Miss. Code Ann.* §73-13-15

**Rule 14.6 Seal Care and Custody** - The licensee shall exercise due and reasonable care in maintaining physical possession of his seal and its use. The licensee shall not willingly allow others to possess his seal or to use his seal.

Source: *Miss. Code Ann.* §73-13-15

**Part 901 Chapter 15: EXPIRATIONS AND RENEWALS**

**Rule 15.1 Expiration Date** - Certificates of licensure expire on the last day of the month of December.

Source: *Miss. Code Ann.* §73-13-15

**Rule 15.2 Notification of Expiration Certificate Date and Amount of Renewal Fee Required** - Each licensee will be mailed a notice of the expiration date and the amount of the annual renewal fee. Such notice will be sent to the address of record by first class mail at least one month prior to the expiration date.

The renewal fee is set by an order of the Board in accordance with and subject to the limitations of the statute.

Source: *Miss. Code Ann.* §73-13-15

**Rule 15.3 Annual Responsibility of Renewals** - Certificates of licensure, and therefore the right to practice engineering or surveying, become invalid on the last day of the month of December unless renewed.

The responsibility for the annual renewal of a licensee's certificate rests solely with the individual licensee. Failure to receive a notice does not relieve a licensee from the duty of renewal of his certificate. Returning renewal fees in a timely manner is the responsibility of the licensee.

Source: *Miss. Code Ann.* §73-13-15

**Rule 15.4 Penalty for Late Renewal** - The failure on the part of any licensee to renew his certificate annually in the month of December as required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month, or fraction of a month, that payment of renewal is delayed. The maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee. If a licensee fails to renew his certificate for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, re-examination in the Principles and Practice of Engineering and/or Surveying will be required. The re-examination requirements may be waived by the Board provided the applicant has continued to legally practice in another jurisdiction from the date of expiration of his certificate.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 16: Certificate of Authority; use of terms.**

### ***Rule 16.1 – Certificate of Authority required.***

1. Any firm, corporation, or partnership practicing or offering to practice engineering or surveying in the state of Mississippi must be licensed to practice with a Certificate of Authority from this Board.
2. This shall apply to a professional service corporation, a corporation, a partnership (including limited partnerships and limited liability partnerships), or a limited liability company. An individual licensee practicing in his own name as a sole proprietorship shall not be required to obtain a Certificate of Authority.
3. In order to qualify for an Engineering Certificate of Authority, the firm must designate at least one Mississippi-licensed Professional Engineer who is either a principal officer, partner, or the designated principal engineer of the firm with management responsibility for the firm's practice, and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm's professional reputation and liability.
4. In order to qualify for a Surveying Certificate of Authority, the firm must designate at least one Mississippi-licensed Professional Surveyor who is either a principal officer or partner of the firm with management responsibility for the firm's practice, and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm's professional reputation and liability.
5. A licensee who renders occasional, part-time or consulting services to a firm may **not**, for the purposes of this rule, be designated as being responsible for the professional services of the firm.

6. Application for a Certificate of Authority shall be made on a form prescribed by the Board with payment of the application fee. The Certificate shall be issued when the Board determines that all requirements in compliance with the rules and regulations of the Board have been met.

7. All certificates shall expire on December 31 of each year; at that time the certificate shall be renewable at a fee to be set by the Board. Late renewal is subject to a 10% penalty per month that payment is delayed. After a certificate has expired for more than six months, an application for re-registration shall be required.

8. If any of the information on the initial, or any subsequent renewal, application changes for the firm, the firm shall notify the board in writing within thirty (30) days of the change by filing an amended application.

9. The firm, corporation, or partnership shall be responsible for the conduct or acts of its agents, employees, officers, partners, members or managers operating or practicing under the Certificate of Authority. No individual practicing engineering and/or surveying services shall be relieved of responsibility for those services performed by reason of employment or other relationship with a firm, corporation, or partnership holding a Certificate of Authority.

Source: *Miss. Code Ann.* §73-13-15

***Rule 16.2 Use of Words Engineer, Engineering, Surveyor, or Surveying*** - Any person, firm, partnership, organization, corporation or other entity using the words "Engineer" or "Engineering" or "Surveyor" or "Surveying" or any modification or derivative thereof in its name or form of business activity except as authorized in the Law, or any person presenting or attempting to use the certificate of licensure or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked or nonexistent certificate of licensure, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he is licensed under the Law, or any person who shall violate any of the provisions of the Law, shall be guilty of noncompliance with the Law.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 17: CODE OF PROFESSIONAL CONDUCT**

**Introduction:** The licensee shall be forthright and candid in his statements or written responses to the Board or its representatives on matters pertaining to professional conduct.

***Rule 17.1 Responsibility to the Public*** - The licensee shall at all times recognize his primary obligation to protect the safety, health and welfare of the public in the performance of his work. If the licensee's employer or clients overrule his judgment concerning the safety, health and welfare of the public, he shall inform his employer or client of the possible consequences and, where appropriate,

notify such other proper authority. It shall be the licensee's duty to report to the Board violations of the Rules and Regulations. Failure to do so may be construed as aiding and abetting the violator. Furthermore, the licensee should remove himself from the situation if, after advising the employer or client, there continues to be a concern regarding the safety, health, and welfare of the public.

Source: *Miss. Code Ann.* §73-13-15

***Rule 17.2 Competency for Assignments***

1. The licensee shall undertake to perform assignments only when qualified by education or experience in the specific discipline involved. The licensee may accept an assignment requiring education or experience outside his area of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such projects shall be performed by licensees who may be associates, consultants or employees, qualified in the specific disciplines involved.
2. The licensee shall avoid actions and procedures which, in fact, amount to aiding and abetting an unlicensed person to practice the professions.
3. a. The Professional Engineer shall not affix his signature and/or seal and/or title block to any plan or document unless said plan or document was prepared by him, prepared under his direct supervisory control, or reviewed by him in sufficient depth to fully coordinate and assume responsibility for plans prepared by another licensed Professional Engineer.  
b. The Professional Surveyor shall not affix his signature and/or seal and/or title block to any plat or document unless said plat or document was prepared by him, prepared under his direct supervisory control, or reviewed by him in sufficient depth to fully coordinate and assume responsibility for plats or documents prepared by another licensed Professional Surveyor.

Source: *Miss. Code Ann.* §73-13-15

***Rule 17.3 Public Statements***

1. The licensee shall be completely objective and truthful in all professional reports, statements or testimony. He shall include all relevant and pertinent information in such reports, statements or testimony.
2. The licensee, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.
3. The licensee will issue no statements, or criticisms or arguments on matters connected with

public policy which are inspired or paid for by an interested party or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party or parties, on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the subject matter.

Source: *Miss. Code Ann.* §73-13-15

***Rule 17.4 Conflict of Interest***

1. A conflict of interest is avoidable. A licensee shall not represent a client if the licensee's ability to consider, recommend, or carry out a course of action on behalf of the client could be adversely affected by the licensee's responsibilities to another client or to a third person or to the licensee's own interest, or the safety, health and welfare of the public.
2. The licensee shall not accept compensation, directly or indirectly, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to in writing, by all interested parties.
3. The licensee shall not solicit or accept, directly or indirectly, financial or other valuable considerations from material suppliers, equipment suppliers or any other vendors for specifying or recommending their products.
4. The licensee shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or other parties dealing with the licensee's client or employer in connection with work for which he is responsible.
5. The licensee shall not solicit or accept a professional services contract which involves a governmental body on which the licensee, a principal, or officer of his organization serves as a member.
6. When a licensee is employed or otherwise engaged in a full or part-time position, he shall not use the advantages of his position to compete unfairly with other licensees.
7. A licensee serving in any official capacity, either part-time or full-time, as the engineer or surveyor for any county, city or other governmental body, Board or agency, where plans or documents must be submitted to him for review, approval or a recommendation for approval, cannot review, approve or recommend approval of his own plans or documents, or plans or documents prepared by any member of the firm of which he is a member.

Source: *Miss. Code Ann.* §73-13-15

***Rule 17.5 Solicitation of Work***

1. The licensee shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, except when the licensee is

securing salaried positions through employment agencies.

2. The licensee shall not falsify or permit misrepresentation of his or his associates' academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint venturers or his or their past accomplishments.
3. The licensee shall not indulge in publicity that is misleading or advertise in a self laudatory manner.
4. The licensee shall not supplant, nor attempt to supplant, directly or indirectly, another professional engineer and/or professional surveyor in a particular engineering or surveying project, after contracts have been awarded to such other professional engineer and/or professional surveyor. The furnishing of informative brochures regarding the licensee's firm or employer is not considered an attempt to supplant.
5. A licensee, acting individually or through a firm, association, partnership or corporation shall neither request, propose, or accept an agreement, contract, or commission for professional services on a "contingency basis" under which his professional judgment may be compromised or when a contingency provision is used as an inducement to promote or secure an agreement, contract, or commission, either for future commissions or projects, or for performing additional services on the project involved.
6. The Professional Engineer, and the engineering firm, is to seek professional employment based primarily on the qualifications and competencies required for proper accomplishment of the work. This process restricts the Professional Engineer or firm from submitting a price for services until the prospective client has selected that Engineer or firm, based primarily on stated qualifications and competencies, for final contractual negotiations.

Competitive price proposals may not be submitted or solicited for professional services unless all the following restrictions are met:

- a. The prospective client has first sought statements of qualifications from interested licensees, and
- b. Those licensees chosen by the client on the basis of qualifications and competence for proper accomplishment of the work (not to exceed five) have received in writing a comprehensive and specific Scope of Work, and
- c. When the Scope of Work has been prepared, signed and sealed by a licensed Professional Engineer who has attested to the completeness and adequacy of the Scope of Work assuring that it fully identifies and describes the factors affecting the required engineering services, and

- d. Assurances have been given by the prospective client that factors in addition to price were considered in selecting the Professional Engineer, and
  - e. Neither the Professional Engineer that sealed the Scope of Work, nor this Professional Engineer's firm, will be allowed to submit a price proposal.
7. The Professional Surveyor, and the surveying firm, is to seek professional employment based primarily on the qualifications and competencies required for proper accomplishment of the work. This process restricts the Professional Surveyor or firm from submitting a price for services until the prospective client has selected that Surveyor or firm, based primarily on stated qualifications and competencies, for final contractual negotiations.

Competitive price proposals may not be submitted or solicited for professional surveying services unless all the following restrictions are met:

- a. The prospective client has first sought statements of qualifications from interested licensees, and
- b. Those licensees chosen by the client on the basis of qualifications and competence for proper accomplishment of the work (not to exceed five) have received in writing a comprehensive and specific Scope of Work prepared by the client or the client's representative that completely describes the factors affecting the required surveying services, and
- c. Assurances have been given by the prospective client that factors in addition to price were considered in selecting the Professional Surveyor.

Source: *Miss. Code Ann.* §73-13-15

**Rule 17.6 Ethics** - The licensee shall contribute to the maintenance, integrity, independence and competency of the engineering and/or surveying profession as follows:

- 1. The licensee shall not violate any provision of Mississippi Law regulating the practice of engineering and surveying;
- 2. The licensee shall not participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the violation of any provision of the Law regulating the practice of engineering and surveying;
- 3. The licensee shall exercise reasonable care to assure that his partners, associates, and employees do not engage in conduct which, if done by him, would violate any provision of Law regulating the practice of engineering and surveying;
- 4. The licensee shall not engage in any illegal conduct involving moral turpitude;



5. The licensee shall not engage in any conduct that discredits or tends to discredit the profession of engineering and/or surveying;
6. The licensee shall not permit or allow himself, his professional identification, seal, firm, or business name, or his services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create an opportunity for the unauthorized practice of engineering and/or surveying by any person, firm or corporation in this state;
7. The licensee shall not perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;
8. The licensee shall not knowingly associate with or permit or allow the use of his name, firm name or professional identification or seal in any business venture, project or enterprise which he knows or has reason to believe is involved in professional practices which violate any provision of the Law regulating the practice of engineering and/or surveying;
9. The licensee shall not knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise which he knows, or has reason to believe, involves trade, business or professional practice of a fraudulent, deceitful or dishonest nature;
10. The licensee shall not injure or attempt to injure the professional reputation of another licensee. This shall not relieve a licensee of the obligation to expose unethical or illegal conduct to the proper authorities or preclude an honest appraisal of licensees considered for employment;
11. The licensee shall not aid or abet, directly or indirectly, any nonlicensee in the practice of engineering and/or surveying.
12. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his engineer's and/or surveyor's seal, his professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the Board, which may invalidate the licensure number of said seal, if it deems this necessary, and issue another licensure number to said licensee.
13. The licensee shall not, directly or indirectly, use or make use of any property, facility or service of any governmental body, agency or department for the benefit of any private business or activity in which the licensee also may be engaged.
14. The licensee shall not, directly or indirectly, use or make use of any property, facility or service of his client or employer for his own benefit.
15. The licensee shall not practice or offer to practice engineering and/or surveying in any

governmental jurisdiction in which to do so would be in violation of the Laws regulating the practice of professional engineering and/or professional surveying in that jurisdiction.

Source: *Miss. Code Ann.* §73-13-15

**Rule 17.7 Character and Reputation** - The licensee shall be responsible for maintaining good character and reputation. Suspension of a certificate of licensure by another jurisdiction, becoming a habitual drunkard, being grossly immoral, or addicted in the use of narcotics, being finally adjudged insane, or incompetent by a court of competent jurisdiction or being convicted of a felony or misdemeanor shall be grounds for a disciplinary hearing which may result in revocation of his certificate of licensure.

Source: *Miss. Code Ann.* §73-13-15

**Rule 17.8 Response to Orders and Communications** - A licensee's refusal to accept or receive, or a licensee's failure to timely respond to, (a) an order of the Board or (b) a request in writing from the Executive Director, the Board's attorney or a Board member, provided such request is made within the scope of responsibility of the writer, shall be considered misconduct subject to disciplinary action.

Source: *Miss. Code Ann.* §73-13-15

**Rule 17.9 Current mailing address is required** – A licensee shall notify the Board in writing by mail, fax, or email within 30 days of any change in the licensee's mailing address of record.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 18: DISCIPLINARY ACTIONS**

**Rule 18.1 Charges** - For the purposes of this rule, "charge" refers to any allegation brought to the Board against a licensee or other person relating to a violation of the Law or the Rules and Regulations. Charges may be preferred by anyone who believes that a violation may have occurred.

1. Except as noted in item 3 below, all charges preferred must be made in writing by the person or persons making them and shall be filed with the Board.
2. All charges shall be made on forms prescribed by the Board, which are available from the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the form.
3. In instances in which the Board is presented with prima facie evidence of a violation of the Law or the Rules and Regulations, a written statement of charges by the complainant will not be required.

4. No investigative action will be taken regarding submissions that are neither prima facie evidence nor accompanied by the written statement of charges.
5. Following the receipt of such charges or prima facie evidence, the Board will proceed to investigate and unless dismissed as frivolous, unfounded, or filed in bad faith, will proceed in accordance with the provisions of the statute involved, subject to the following limitation. Complaints must be filed within two years of the date of the discovery of the violation but no later than six years from the date of the violation itself.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.2 Investigative Procedures** - Upon the filing of charges or information in accordance with Rule 18.1, the executive director shall refer them to a designated Board member. If the charges or information are first made by or through a Board member and if the executive director makes a determination that the Board member's objectivity is not impaired, the executive director will select that Board member as the designated Board member; otherwise, the designated Board member shall be selected on a rotating basis. If any Board member selected as a designated Board member, whether by the bringing of charges or information or on a rotating basis, can show reasonable cause that he or she should not be the designated Board member, or if the executive director makes a determination that the Board member's objectivity is subject to a reasonable charge of being impaired, then such charges or information shall be referred to the Board member next in line of rotation.

The designated Board member may institute an investigation of the charges and, after consultation with the Executive Director and the Board's attorney, determine whether to proceed with a letter of admonition, a consent order, an informal conference, or a formal disciplinary hearing.

Neither the designated Board member nor any Board member disqualified in the process of selecting the designated Board member shall sit as a member of the Board in any disciplinary hearing resulting from that investigation.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.3 Disciplinary Proceedings**

1. **Complaints, Summons, and Notice of Hearing** - For the purposes of this rule, "complaint" refers to the formal documents issued by the Board to initiate a disciplinary hearing. The complaint is based on prior investigation of charges or information and shall set forth a statement of the charges against the accused.

For the purposes of this rule, "summons and notice of hearing" refers to the document accompanying the complaint which compels the respondent to appear and sets forth the time and place of the hearing.

The summons and complaint together with a copy of the applicable Law and Rules and Regulations shall be:

- (1) mailed by licensed or certified mail, return receipt requested, to either the respondent's last known business or residence address or the most recent address of the accused on file with the Board, or
  - (2) personally served on the respondent, and
  - (3) provided not less than thirty days prior to the scheduled date of the disciplinary hearing.
2. **Consent Orders** - If after receipt of a complaint and prior to the disciplinary hearing an accused desires to admit to a violation, a consent order may be entered into with the accused without the necessity of a disciplinary hearing. This opportunity for settlement shall be within the sole discretion of the investigative committee. Any consent order shall be subject to the approval of the Board and shall not be subject to appeal. The Board may reject a proposed consent order and vote to hold a formal disciplinary hearing.
3. **Informal Conferences** - The respondent may request an informal conference at the Board office with the investigative committee for the purpose of showing that the allegation(s) contained in the complaint is (are) not true. The investigative committee will be composed of the designated Board member, the executive director, the Board attorney, and appropriate staff personnel; however, the absence of the designated Board member or the executive director or Board attorney shall not invalidate the formation of the committee or the conclusions of the conference. The respondent may have an attorney present only in an advisory capacity. If the respondent desires a conference and the complaint cannot thereafter be dismissed on the evidence, an effort will then be made to reach an informal settlement and consent order as provided in paragraph 2.

The informal conference and/or settlement negotiation shall be completed prior to a date 10 days before the scheduled date of the disciplinary hearing; provided, however, the Board's investigative committee, at its sole discretion, may continue the disciplinary hearing at the request of the respondent for the purpose of completing said proceedings.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.4 Conflict and Bias** - A Board member shall not be entitled to participate in any disciplinary action if the Board determines that such a Board member is personally biased against the accused.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.5 Respondent May Assert Bias** - Any accused in a disciplinary proceeding may assert conflict or bias by filing with the Executive Director at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with specific details of the underlying factual bias for the assertion.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.6 Disqualification** – The recusal or disqualification of Board members shall be considered on the record as a preliminary matter at the hearing before any other questions are decided. In the event that after said consideration there does not remain a quorum, substitute panel members shall be selected from the most recent slates of Board appointment candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve a quorum. These substitute members shall receive compensation as provided for Board members in Section 73-13-9.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.7 Pre-Hearing Discovery**

1. Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing, protect persons from annoyance, embarrassment, or undue burden or expense, and promote the ends of justice.
2. All discovery shall be completed within thirty days of the accused's receipt of the summons and complaint unless otherwise modified by the designated Board member for good cause.
3. The attorney for the Board or the accused may obtain discovery regarding any matter not privileged which is relevant to the subject matter of the pending action, whether it relates to the prosecution or the defense.
4. Discovery shall be had in strict accordance with such terms and conditions as may be imposed by the designated Board member, considering all the factors of each case.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.8 Methods of Discovery** - Upon timely notice the following discovery may be allowed or ordered by the designated Board member.

1. Deposition upon oral examination under oath of any party, material witness or expert witness. The cost of such deposition shall be borne by the requesting party.
  - a. The requesting party shall give reasonable notice in writing to the other party, setting forth the name and address of each person to be examined and the time and the place for taking the deposition.
  - b. The deposition, if it is intended to be used at the hearing, shall be stenographically transcribed and certified as to its accuracy by the stenographer and the deponent. A true and correct copy of the transcript shall be forwarded to the other party upon written request, along with an invoice for the

reasonable cost of copying and mailing same.

2. Written interrogatories to be answered in writing, under oath, by any party, material witness or expert witness.
3. Order for production and copying of documents and things and for entry upon land for inspection and other relevant purposes, by any party against any party or person.
4. Before an action is commenced, the Board may direct that the Board's attorney, or the Board's attorney may on his own initiative, conduct such preliminary discovery regarding any matter under investigation that the Board or the Board's attorney deems necessary and proper in order to perpetuate testimony or to otherwise prevent a failure or delay of justice. Such pre-action discovery methods shall be in conformance with those set out hereinabove. The product of such discovery may be used in any action involving the same subject matter subsequently brought before the Board.

Source: *Miss. Code Ann.* §73-13-15

### ***Rule 18.9 Disciplinary Hearings***

1. Conduct of Hearing
  - a. **Hearing Examiner** - The Board may, in its discretion, appoint some person to act as hearing officer at disciplinary hearings. In the event a hearing officer is appointed, such officer shall preside at the hearing and shall rule on all questions of evidence and procedure in accordance with the provisions of these rules.
  - b. **Plea** - The accused shall either admit or deny the charges set forth in the complaint.
  - c. **Opening Statement** - Each side shall be permitted to make a short opening statement.
  - d. **Form of Hearing** - The Board shall present its evidence, followed by the accused, followed by such rebuttal as may be necessary and proper. Each witness called may be examined in the following manner:
    - Direct examination
    - Cross examination
    - Re-direct examination
    - Re-cross examination
  - e. **Closing Statement** - Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant Law to the evidence presented.
  - f. **Proposed Order** - The Board may request one or both parties to submit within seven

days for the Board's consideration a proposed order of the Board including findings of fact and conclusions of Law, a copy of which the submitting party shall mail to the other party. Underlying facts of record which support the findings should be cited. If the submitting party desires a written transcript of the hearing for the purpose of preparing such proposed order, that party must request same and pre-pay the cost of postage and the reasonable cost of transcription. In such event, the Board may request the proposed order to be submitted within ten days of the mailing of the transcript.

- g. **Order** - The Board shall issue an order not more than ninety days after the close of the hearing, which shall include findings of fact and conclusions of Law, stated separately. The accused shall be forwarded a copy of the order by certified or licensed mail, return receipt requested, and a copy shall be forwarded by first class mail to each attorney of record.
- h. **Evidence** - The Mississippi Rules of Evidence shall be used as a general guide for the presentation of evidence, however any evidence which reasonably appears to be relevant to the issues of the case may be allowed notwithstanding its inadmissibility under said Rules, unless the evidence offered is clearly of a privileged nature.
- i. **Procedure** - The Mississippi Rules of Civil Procedure shall be used as a general guide for the conduct of the proceedings, however formal adherence to said Rules shall not be mandated except as may be reasonably required to promote the ends of justice.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.10 Discipline** - Upon a finding that the accused has violated any enumerated provision of Title 73, Chapter 13 or any rule adopted pursuant to Title 73, Chapter 13, the Board may censure; reprimand; admonish; require the completion of a course in ethics and/or additional education as approved by the Board; fine the accused; and/or revoke or suspend the accused's licensure to practice as a Professional Engineer and/or Professional Surveyor or enrollment as an Engineer Intern or Surveyor Intern.

The Board may, in its discretion, temporarily stay the execution of its order conditioned upon any provision the Board deems just and proper under all the circumstances of each case.

In determining whether a licensure or enrollment should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board may consider all relevant factors, including, but not limited, to the following:

- a. the severity of the violation(s);
- b. the actual or possible danger to the public resulting from the accused's past and present violation(s);

- c. the actual damage resulting from the accused's past and present violation(s);
- d. the number of past repetitions of the accused's present violation(s);
- e. the length of time since the occurrence of the accused's present violation(s);
- f. the number and seriousness of previous violations;
- g. the length of time the licensee has practiced;
- h. the deterrent effect of the penalty imposed;
- i. the effect of the penalty upon the accused's livelihood;
- j. any efforts of rehabilitation; and
- k. any other mitigating or aggravating circumstances.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.11 Costs** - The Board may, in its discretion, assess and tax all actual costs incurred in a disciplinary hearing against any accused found guilty hereunder, or the charging party, or both.

Source: *Miss. Code Ann.* §73-13-15

**Rule 18.12** - Any person aggrieved by the action of the Board as a result of disciplinary proceedings conducted hereunder may appeal therefrom as provided for in Section 73-13-37(10) Mississippi Code Annotated (1972).

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 19: REINSTATEMENT OF LICENSURE OR CERTIFICATION AFTER REVOCATION**

**Rule 19.1 Application for Reinstatement** - Any person whose licensure or enrollment has been revoked may not apply to the Board for reinstatement of the licensure or enrollment until two years have elapsed since the final, effective date of revocation, except a person convicted of a crime of moral turpitude in which case five years shall have elapsed since the final effective date of revocation and the person's civil rights shall have been restored. In the application for reinstatement, the application should state why the licensure or enrollment should be reinstated. Applicant must include in the application evidence that the current requirements for licensure or enrollment have been met and that the applicant is in good standing with the Board.

Source: *Miss. Code Ann.* §73-13-15



**Rule 19.2 Board Action** - Upon receipt of such application, the Board shall grant a hearing on reinstatement, at which time the applicant may appeal to the Board for reinstatement of the licensure or enrollment.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 20: SEVERABILITY**

**Rule 20.1** If for any reason any section, paragraph, clause or part of these Rules and Regulations of Procedure shall be held unconstitutional, or invalid, that fact shall not affect or destroy any other section, paragraph, clause or part of any rule or regulation not in and of itself invalid, but the remaining portion hereof shall be in force without regard to that so invalidated.

Source: *Miss. Code Ann.* §73-13-15

## **Part 901 Chapter 21: STANDARDS OF PRACTICE FOR SURVEYING**

**21.1** Whenever a survey is performed, it shall comply with Section 73-13-71 (4) and Section 73-13-73 and the Standards of Practice for Surveying in Mississippi as described below. Types of surveys shall include, but not be limited to the following as described:

1. **Boundary Surveys, Route Surveys, Easement Surveys, and Lease Surveys** shall mean a survey, the primary purpose of which includes, but is not limited to, determining the perimeters of a parcel or tract of land by establishing or re-establishing corners, and monuments, for the purposes of describing, platting or dividing the parcel and preparing a description(s) of the parcel of land. If an easement is performed in conjunction with a boundary survey, lying adjacent and parallel, monumentation is not required. In the event that an easement survey is performed independent of a boundary survey, monumentation is required.
2. **Topographic Survey** shall mean a survey of the natural and selected man-made features of a part of the earth's surface by ground measurements or remote sensing to determine horizontal and vertical spatial relations.
3. **Hydrographic Survey** shall mean a survey having for its principle purpose the determination of data relating to bodies of water and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom, directions and force of current, water stages, and location of fixed objects for survey and navigation purposes.
4. **Construction Layout Survey** shall mean the measurements made to control elevation, horizontal position and dimensions, and configuration, prior to or while construction is in progress.

**21.2** Attesting to Quality and Responsibility for Surveys

To provide the client with the assurance that the work was performed under the direct supervision of a licensee, and was performed to a certain standard, documentation shall be sealed and signed by the licensee in responsible charge, including, but not limited to, the following:

1. When a boundary, route, easement, or lease survey is performed, a plat shall be prepared and the plat shall bear the seal and signature of the Professional Surveyor in responsible charge.

2. When a topographic survey, hydrographic survey or construction layout survey is performed at the request of a client, any plat, map or report that is the final product of that licensee for that project shall be sealed and signed by the Professional Surveyor or the Professional Engineer in responsible charge. If a topographic survey, hydrographic survey or construction layout survey is performed by a licensee to obtain data to be used by that licensee to perform calculations or to be incorporated into a final product of that project, then the final product of that project shall be sealed and signed by the Professional Surveyor or the Professional Engineer in responsible charge.

**21.3** The boundary, route, easement, and lease survey plat shall conform to the following requirements and shall include the following information:

- a. The plat shall be displayed on any reasonably stable and durable drawing paper, vellum, linen, or film of reproducible quality. No plat or map shall have dimensions of less than 8 1/2 x 11 inches.
- b. The plat shall show the scale, area, and classification of the survey (A,B,C or D). These classifications are based upon both the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed by the client. This classification must be based on the criteria in Appendix A, and the survey must meet the minimum specifications set forth in Appendix B. Scale shall be sufficient to show detail for the appropriate classification.
- c. The reference meridian used to conduct the survey shall be stated on the survey plat. A definitive north arrow shall be shown on the plat. All surveys will be referenced to a true meridian by accepted methods with the following exceptions: (a) those used in existing subdivisions; (b) those shown on city or town plats; or, (c) those shown on a previous survey when the current survey is a division of said previous survey and enough monumentation is available to establish the original orientation. If Global Positioning System equipment is used to obtain the reference meridian, it shall be stated on the plat whether the bearings are grid or geodetic. If any published horizontal control stations are occupied during the survey, they shall be listed on the plat and the horizontal datum used shall be listed on the plat. If a meridian established by the compass is used, the compass must be properly declinated and adjusted to a True Meridian. Regardless of the meridian used, the survey must be referenced

to a well defined line, group of monuments, reference points, etc. of a normally assumed permanent nature so the orientation of the survey can be re-established. This reference line and its relation to the meridian used must be clearly shown on the survey plat.

- d. All monuments, natural and artificial (man-made), found or set shall be shown and described on the survey plat. The monuments shall be noted as found or set. All monuments set shall be ferrous metal, or contain ferrous metal, not less than 1/2 inch in diameter, and not less than eighteen inches in length. All monuments set shall display the license number of the Professional Surveyor, the COA number of the firm, or the name of the responsible government agency. All corners shall be monumented, either by a found monument clearly described on the survey plat, or by a monument set as described above, except however, a corner which falls in a creek, stream or ditch, in a gravel or asphalt road or upon solid rock, concrete or other like materials shall be marked in a permanent manner and clearly identified on the plat or witnessed by Witness Corners. Witness Corners shall be set whenever a corner monument cannot be set or is likely to be disturbed. Such witness corners shall be set as close as practical to the true corner and shall meet the same physical standards that would be required for the true corner were it set. If only one (1) witness corner is set, it must be set on the actual boundary line or prolongation thereof. Otherwise, at least two (2) witness corners shall be set and so noted on the plat of the survey. The bearing and distance referencing the witness corners from the true corner shall be shown on the plat. If the witness corner is set on the boundary line, only the distance may be shown. Courses that intersect a creek, stream, ditch or the center of a public road that is to be used as a boundary of the parcel being surveyed, should have witness corners set on the line intersecting same, and be clearly shown on the plat. Concrete right-of-way markers may be acceptable as monuments on all roadways, streets, and utility rights-of-way, and may be placed only at points where right-of-way width or direction change.
- e. The plat of a metes and boundary survey must clearly describe and show the monument marking the commencing point and the point of beginning for the survey. Commencing Point is a well defined, monumented point referenced to the U.S. Public Land (GLO) Survey system or other recorded subdivision plat, recorded and monumented City or County plat or map, compatible with Mississippi Statutes for filing and recording of land ownership that is used in a metes and bounds description. Point of Beginning is a well defined monumented point referenced to the U.S. Public Land (GLO) Survey system or recorded subdivision plat, recorded and monumented City or County plat or map, compatible with Mississippi Statutes for recording land ownership that is used as the beginning and ending point in a metes and bounds land description.
- f. All discrepancies between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found, including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.
- g. A description and location of any physical evidence of occupation found along a boundary

- line, including fences, walls, buildings or monuments.
- h. The horizontal length (distance) and direction (bearing or azimuth) of each line as specified in the legal description and as determined in the actual survey process.
  - i. Four (4) elements of all circular curves shall be shown ( radius, arc length, chord bearing and chord length).
  - j. When a property description is required by the client, the description prepared by the Professional Surveyor should list all pertinent information that is shown on the survey plat to include, but not limited to: commencing point, point of beginning, course bearing and distances, description of all corner monuments, description and offset of witness corners and basis of bearings.
  - k. The lot and block or tract numbers or other designations, including those of adjoining lots and tracts if the survey is within a recorded subdivision.
  - l. Visible encroachments onto or from adjoining property or abutting streets with the extent of such encroachment. No sub-surface encroachments are required to be located unless their existence and location is furnished to the surveyor by the client.
  - m. All public and private rights-of-way or easements which are observed, adjoining or crossing the land surveyed and pertinent to the survey.
  - n. Location of all permanent improvements pertinent to the survey, with reference to the boundaries.
  - o. Anytime State Plane Coordinates are used on a survey in the State of Mississippi, these surveys must be performed in compliance with state Law (Chapter No.462, Senate Bill Number 2131, approved March 29, 1991) and in compliance with item (e) of this rule. State Plane Coordinates shall be clearly referenced to the appropriate horizontal datum on the plat. When State Plane Coordinates are used, the following information shall be shown on the plat: (1) the State Plane Coordinates System Zone, (2) the horizontal and/or vertical datum(s) used, (3) the method used to derive information such as Global Positioning System or conventional survey, (4) all horizontal and/or vertical control points used (5) a combined or correctional factor, (6) the convergence angle., The coordinates of a minimum of two (2) reference points relevant to the survey shall be shown on the plat or map.
  - p. Regardless of the type of survey, a plat or survey shall bear the name, address, date of field survey, and signature and seal (either embossed or stamped) of the licensee in responsible charge. This signature and seal is certification that the survey meets the requirements of the Standards of Practice for Surveyors in Mississippi as adopted by the Mississippi Board of Licensure for Professional Engineers and Surveyors. Other regulations including the Manual of Instructions for the Survey of U.S. Public Lands and all subdivision Laws and regulations of the State of Mississippi Statutes shall be followed.

**21.3 Enforcement** - Licensees failing to meet these standards of practice will be subject to appropriate disciplinary action by the Licensure Board.

**APPENDIX A - Classification of Surveys**

- A. **Class A Surveys** - Surveys of extensively developed and expensive properties which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.
- B. **Class B Surveys** - Surveys of properties which are subject to costly improvements and justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.
- C. **Class C Surveys** - Surveys of residential and surrounding areas which are apt to increase rapidly in value. This includes, but is not necessarily limited to, surveys of residential areas which cannot be classified as Class A or Class B surveys
- D. **Class D Surveys** - Surveys of all remaining properties which cannot be classified as Class A, B, or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

**APPENDIX B**

<b>CONDITION</b>	<b>D</b>	<b>C</b>	<b>B</b>	<b>A</b>	<b>Remarks and Formula</b>
	<b>Rural</b>	<b>Suburban</b>	<b>Urban</b>	<b>Urban Business District</b>	
Unadjusted Closure (Minimum)	<b>1:2000</b>	<b>1:5000</b>	<b>1:7500</b>	<b>1:10000</b>	Loop or between Control Monuments
Angular Closure (Minimum)	<b>60" √ N</b>	<b>30" √ N</b>	<b>25" √ N</b>	<b>15" √ N</b>	N=Number of Angles in Traverse
Accuracy of Bearing	<b>± 5 Min.</b>	<b>± 3 Min.</b>	<b>± 2 Min.</b>	<b>± 1 Min.</b>	Relative to Source
Accuracy of Distances	<b>0.10 ft. +200 ppm</b>	<b>0.07 ft. +150 ppm</b>	<b>0.05 ft. +100 ppm</b>	<b>0.03 ft. +50 ppm</b>	100 ppm = 1:10000
Elevations for					

Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	$\pm .30$ ft.	$\pm .20$ ft.	$\pm .10$ ft.	$\pm .05$ ft.	Based on NGVD/NAVD
Location of Improvements Structures, Paving, etc. (Tie Measurement)	$\pm 2.0$ ft.	$\pm 1.0$ ft.	$\pm .2$ ft.	$\pm .1$ ft.	

Source: *Miss. Code Ann. §73-13-15*

## Part 901 Chapter 22: CHANGES OR AMENDMENTS TO RULES

**Rule 22.1** Changes or amendments to these rules will be made as deemed necessary by the Board and will be adopted in accordance with the Administrative Procedures Act of the State of Mississippi.

Source: *Miss. Code Ann. §73-13-15*

## Part 901 Chapter 23: CONTINUING PROFESSIONAL COMPETENCY

### Rule 23.1

#### 1. Introduction

- a. The purpose of the continuing professional competency requirement (CPC) is to insure a continuing level of competency of Professional Engineers and/or Professional Surveyors in their respective fields of engineering and/or surveying practice.
- b. Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensee renewal.

#### 2. Definitions - Terms used in this section are defined as follows:

- a. Professional Development Hour (PDH) – A contact hour (nominal) instruction/or presentation. The common denominator for other units of credit.
- b. Continuing Education Unit (CEU) – Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in approved continuing education course.
- c. College/Unit Semester/Quarter Hour – Credit for course in ABET-approved programs or

other related college course approved in accordance with article 5 of this rule.

- d. Course/Activity – Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice in engineering and/or surveying.
- e. Licensee – A person who is licensed as a Professional Engineer or a Professional Surveyor.
- f. Dual Licensee – A person who is licensed as both a Professional Engineer and a Professional Surveyor.
- g. Renewal Period Year – January 1 to December 31 of each year.
- h. Board – The Board of Licensure for Professional Engineers & Surveyors.

### **3. Requirements**

- a. Every Professional Engineer licensee is required to obtain 15 PDH units during the renewal period year.
- b. Every Professional Surveyor licensee is required to obtain 12 PDH units during the renewal period year.
- c. Dual Licensees - The number of PDH units required shall be 18, at least 1/3 of which shall be obtained in each profession.
- d. As of January 1, 2010, every licensee shall be required to obtain one (1) PDH unit of Ethics training every two years. After 2010, excess ethics PDH may not be carried forward.
- e. Professional Surveyors licensed in Mississippi are required to obtain training in Mississippi Standards of Practice.

Professional Surveyors with five (5) years or less licensure in Mississippi are required to obtain one PDH unit in Mississippi Standards of Practice annually.

Professional Surveyors with more than five (5) years licensure in Mississippi are required to obtain one PDH unit in Mississippi Standards of Practice biennially.

Courses of surveying standards in other states may not be used to meet this requirement. However, standard courses from other states may be used as a portion of the licensee’s remaining PDH.

Excess Mississippi Standards PDH may not be carried forward.

- f. If a licensee exceeds the annual requirement in any renewal period, PDH units may be carried forward into the subsequent renewal period as follows: a maximum of 18 PDH units by a Professional Engineer/Professional Surveyor licensee; a maximum of 15 PDH units by a

Professional Engineer licensee; a maximum of 12 PDH units by a Professional Surveyor licensee, with the exception of Ethics and Standards of Practice, in which case 3d and 3e will govern. PDH units may be earned as follows:

- (1) Successful completion of college courses.
- (2) Successful completion of continuing education courses.
- (3) Successful completion of correspondence, televised, videotaped, electronic and qualifying short courses/tutorials.
- (4) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.
- (5) Teaching or instructing in (1) through (4) above.
- (6) Authoring published papers, articles, or books.
- (7) Active participation in professional or technical societies, or active participation in educational outreach activities.

**4. Units** - The conversion of other units of credit to PDH units is as follows:

- |  |        |
|--|--------|
| a. 1 College or unit semester hour   | 15 PDH |
| b. 1 College or unit quarter hour  | 10 PDH |
| c. 1 Continuing Education Unit   | 10 PDH |
| d. 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences | 1 PDH  |
| e. For teaching apply multiple of 2*   |        |
| f. Each published paper, article, or book  | 10 PDH |
| g. Active participation in professional and technical society.**<br>(1 PDH per organization with a maximum of 3 PDH.)                                    | 1 PDH  |
| h. Active participation in educational outreach activities<br>(maximum of 3 PDH)   | 1 PDH  |

\*Teaching credit is valid for teaching a course or seminar for the first time only.

Teaching credit does not apply to full-time faculty.

\*\*Active participation will be defined as each member paying his/her annual dues.

**5. Determination of Credit** - The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

- a. Credit for college or community college approved courses will be based upon course credit established by the college and approved by the Board.
- b. Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.



- c. Credit determination for activities 4f, publishing paper, article, or book, is the responsibility of the licensee (subject to review as required by the Board), but shall not exceed 10 PDH units per renewal period year.
  - d. Credit for activity 4g, active participation in professional societies, limited to 1 PDH per organization with a maximum of 3 PDH, requires that a licensee be an active member of the organization. PDH units are not earned until the end of each renewal period year.
- 6. Record keeping** - The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee.
- a. Records required include, but are not limited to:
    - 1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned;
    - 2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
    - 3) records as maintained by the NCEES's CPC Tracking Program, NSPE's Professional Development Registry for Engineers & Surveyors, or other similar repositories;
  - b. These records must be maintained for 3 years; copies may be requested by the board for audit verification purposes.
- 7. Exemptions** - A licensee may be exempt from the professional development educational requirements for one of the following reasons:
- a. New licensees by way of examination or comity shall be exempt until the beginning of the next renewal period.
  - b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the professional development hours required during that year. Supporting documentation must be furnished to the Board.
  - c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the Board, upon request by the Board for audit verification purposes.
  - d. A Professional Engineer licensee 60 years of age and having 20 years of aggregate practice shall be exempt from the professional development educational requirement. A Professional Surveyor licensee 60 years of age and having 20 years of aggregate practice shall obtain at least 1 PDH of Mississippi Standards of Surveying biennially, but shall be exempt from the

remaining professional development educational requirement.

- 8. Reinstatement** - A licensee may bring a lapsed license to active status by obtaining the PDH units required for one renewal period, which must include 1 PDH unit of Ethics. Dual licensees bringing only one license to active status is required to obtain only the PDH units required for the license being renewed. If the license being brought to active status is a Professional Surveyor's license, one PDH unit of Standards of Practice must be obtained. A Professional Surveyor Relicensure applicant who qualifies for the exemption of 7d above shall be required to obtain at least 1 PDH of Mississippi Standards of Practice. All PDH units being claimed for reinstatement must have been acquired within the most current twelve (12) months.
- 9. Comity/Out-of-Jurisdiction Resident** - The CPC requirements for Mississippi will be satisfied when a non-resident certifies to be licensed in and having met the mandatory CPC requirements of the state of Mississippi.
- 10. Forms** - All renewal applications will require a certification by the licensee that the CPC requirement for that year has been met. When renewing by mail, the licensee must certify and sign the continuing education form, and submit it with the renewal application and fee.
- 11. Audits** – Each licensee's Continuing Professional Competency records are subject to audit by the Board or its authorized representative.

Source: *Miss. Code Ann.* §73-13-15

**Mississippi Code of 1972, Annotated**  
**Title 73, Chapter 13**  
**Professional Engineers and Surveyors**  
**Effective July 1, 2015**

**Section**

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73-13-105	Certificate of Authority; corporations, firms, partnerships

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:**

**§73-13-1. Engineers must be licensed; use of words "graduate engineer".**

In order to safeguard life, health, and property, and to promote the public welfare, any person or firm in either public or private capacity practicing or offering to practice engineering shall hereafter be required to

submit evidence that the person or firm is qualified so to practice engineering and shall be licensed as hereinafter provided; and it shall be unlawful for any person or firm to practice or to offer to practice in this state, engineering, as defined in the provisions of Sections 73-13-1 through 73-13-45, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly licensed under the provisions of Sections 73-13-1 through 73-13-45. There is specifically reserved to engineering graduates of all universities and colleges accredited by a regional accrediting body that is recognized by the United States Department of Education, the right to disclose any college degrees received by such individuals and use the words "graduate engineer" on his stationery, business cards, and personal communications of any character.

### **§73-13-3. Definitions.**

The term "engineer" as used in sections 73-13-1 through 73-13-45 shall mean a professional engineer as hereinafter defined.

The term "professional engineer" within the meaning and intent of Sections 73-13-1 through 73-13-45 shall mean a person who has met the qualifications as required under Section 73-13-23(1) and who has been issued a certificate of registration as a professional engineer.

The term "engineer intern" as used in Sections 73-13-1 through 73-13-45 shall mean a candidate for licensure as a professional engineer who has met the qualifications as required under Section 73-13-23(2) and who has been issued a certificate of enrollment as an engineer intern.

The term "practice of engineering" within the meaning and intent of Sections 73-13-1 through 73-13-45 shall mean any service or creative work the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land, air and water, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces such engineering services or work, either public or private, in connection with any utilities, water resources, structures, buildings, machines, equipment, processes, work systems, projects, communications systems, transportation systems, industrial or consumer products or equipment of control systems; or engineering services or work of a communications, mechanical, electrical, hydraulic, pneumatic, chemical, geotechnical (including geology and geohydrology incidental to the practice of engineering), geological, environmental, or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, surveyors, architects, landscape architects, and other professionals working under direction of the engineer.

The term "firm" as used in Sections 73-13-1 through 73-13-45, shall mean a business entity that offers the professional engineering or surveying services to the public of its licensed personnel who are either employees, officers, directors, partners, members or managers. A business entity may be formed as either:

- (a) A professional service corporation;
- (b) A corporation;
- (c) A partnership, including limited partnerships and limited liability partnerships; or
- (d) A limited liability company.

Prior to any contract for or the provision of professional engineering or surveying services in this jurisdiction, a firm shall obtain a certificate of authority under Section 73-13-43 or Section 73-13-105 of this chapter. A sole proprietorship, owned and operated by a licensee under this chapter is not required to obtain a certificate of authority under Section 73-13-43 or Section 73-13-105. A professional association of licensed professional engineers or professional surveyors is not required to obtain a certificate of authority under Section 73-13-43 or Section 73-13-105. Both the licensed sole proprietor and the licensees within a professional association shall maintain their individual licenses in active status and only offer the professional service for which they are licensed and qualified to provide.

Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects but exclude the practice of surveying as defined in section 73-13-71(d).

A person or firm shall be construed to practice or offer to practice engineering within the meaning and intent of Sections 73-13-1 through 73-13-45, who practices any branch of the profession of engineering; or provides, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform or provide, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering.

The term "board" as used in Sections 73-13-1 through 73-13-45 shall mean the Board of Licensure for Professional Engineers and Surveyors provided for by said sections.

**§73-13-5. Appointment of board members.**

A Board of Licensure for Professional Engineers and Surveyors is hereby created whose duty it shall be to administer the provisions of Sections 73-13-1 through 73-13-105. The board shall consist of six (6) licensed professional engineers, who shall be appointed by the Governor from eighteen (18) nominees recommended by the Mississippi Engineering Society, and shall have the qualifications required by Section 73-13-7, and three (3) licensed professional surveyors who are not licensed professional engineers, who shall be appointed

by the Governor from nine (9) nominees recommended by the Mississippi Association of Professional Surveyors and who shall have the qualifications required by Section 73-13-77. The members of the board shall be appointed from the above nominees. The board so appointed shall have two (2) engineer members from each of the three (3) State Supreme Court districts, designated by district, Post 1 and Post 2, and shall serve for four (4) years, or until their successors are duly appointed and qualified.

The members recommended by the Mississippi Association of Professional Surveyors shall be appointed from each of the three (3) state Supreme Court districts and serve for four (4) years, or until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. On the expiration of the term of any member, the Governor shall in the manner herein provided appoint for a term of four (4) years a licensed professional engineer having the qualifications required by Section 73-13-7, or a licensed professional surveyor having the qualifications required by Section 73-13-77 to take the place of the member of the board whose term is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

The initial members of the reconstituted board shall serve terms of office as follows:

(a) The term of the engineer member presently serving at large, which term was set to expire on April 8, 2004, shall expire on July 1, 2004; and from and after July 1, 2004, this appointment shall be designated as Post 1.

(b) The term of the engineer member presently serving at large, which term was set to expire on April 8, 2004, shall expire on July 1, 2005; and from and after July 1, 2004, this appointment shall be designated as Post 2.

(c) An appointment of an engineer member serving at large shall be made on July 1, 2004, and shall expire on July 1, 2006; and from and after July 1, 2004, this appointment shall be designated as Post 3.

(d) The term of the engineer member presently serving from the First Supreme Court District, which term was set to expire on April 8, 2006, shall expire on July 1, 2007; and from and after July 1, 2004, this appointment shall be designated as Post 4.

(e) The term of the engineer member presently serving from the Second Supreme Court District, which term was set to expire on April 8, 2006, shall expire on July 1, 2008; and from and after July 1, 2004, this appointment shall be designated as Post 5.

(f) The term of the engineer member presently serving from the Third Supreme Court District, which term was set to expire on April 8, 2006, shall expire on July 1, 2009; and from and after July 1, 2004, this appointment shall be designated as Post 6.

(g) The term of the surveyor member presently serving at large, which term was set to expire on April 8, 2007, shall expire on July 1, 2004;

subsequent appointments shall be made from the First Supreme Court District; from and after July 1, 2004, this appointment shall be designated as Post 7.

(h) An appointment of a surveyor member shall be made from the Second Supreme Court District; the appointment shall be made on July 1, 2004, and shall expire on July 1, 2005; from and after July 1, 2004, this appointment shall be designated as Post 8.

(i) The term of the surveyor member presently serving at large, which term was set to expire on April 8, 2006, shall expire on July 1, 2006; subsequent appointments shall be made from the Third Supreme Court District; from and after July 1, 2004, this appointment shall be designated as Post 9.

At the expiration of a term, members of the board shall be appointed in the manner prescribed in this section for terms of four (4) years from the expiration date of the previous terms. Any vacancy on the board prior to the expiration of a term for any reason, including resignation, removal, disqualification, death or disability, shall be filled by appointment of the Governor in the manner prescribed in this section for the balance of the unexpired term. The Mississippi Engineering Society and/or the Mississippi Association of Professional Surveyors shall submit a list of nominees no more than ninety (90) days after a vacancy occurs, and the Governor shall fill such vacancies within ninety (90) days after each such vacancy occurs.

It shall not be considered the duty of the State of Mississippi to provide office space and office equipment for the board herein created.

No member of the board shall, during the term of his office or thereafter, be required to defend any action for damages in any of the courts of this state where it is shown that said damage followed or resulted from any of the official acts of said board in the performance of its powers, duties or authority as set forth in this chapter. Any such action filed shall upon motion be dismissed, at the cost of the plaintiff, with prejudice.

**§73-13-7. Qualifications of board members.**

Each member of the board shall be a citizen of the United States and shall have been a resident of the state for at least five (5) years prior to the appointment. He shall be at least thirty-two (32) years of age, shall have been engaged in the practice of engineering or surveying, as the case may be, for at least ten (10) years and shall have been in responsible charge of important engineering or surveying work, as the case may be, for at least five (5) years. Each year of teaching engineering or surveying in a school or college shall be equivalent to a year of responsible charge of engineering or surveying work. Not more than two (2) members of the board at any time may be teachers of engineering in the universities or colleges of the state. All members of the board shall be licensed professional engineers or licensed professional surveyors, as the case may be.

**§73-13-9. Compensation of the board members.**

Each member of the board shall receive per diem in accordance with Section 25-3-69 when actually attending to the work of the board or any of its committees, and shall be reimbursed for traveling expenses in accordance with Section 25-3-41 in carrying out the provisions of Sections 73-13-1 through 73-

13-105.

**§73-13-11. Removal of board members; vacancies.**

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in Section 73-13-5.

**§73-13-13. Meetings of board; election of officers; quorum.**

The board shall hold at least two (2) regular meetings each year, in the first and third calendar quarters. Special meetings shall be held at such time as the regulations of the board may provide. Notice of all meetings shall be given in such manner as the regulations of the board may provide. The board shall elect annually, at a regular or special meeting, the following officers: a president, a vice president, and a secretary. A quorum of the board shall consist of not less than five (5) members.

**§73-13-15. Rules and regulations; seal; powers.**

The board shall have the power to adopt and amend all regulations and rules of procedure, not inconsistent with the Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal. It shall not be required to post bond on appeals. The board shall have the further power and authority to:

- (a) Establish standards of conduct and ethics;
- (b) Institute proceedings in its own name;
- (c) Promulgate rules restricting competitive bidding;
- (d) Promulgate rules limiting or restricting advertising;
- (e) Promulgate rules requiring a demonstration of continuing education;
- (f) Adopt and promulgate reasonable bylaws and rules and regulations necessary or appropriate for the proper fulfillment of its duties under state laws pertaining thereto;
- (g) Provide for the enforcement of and to enforce the laws of the State of Mississippi and, in particular, the provisions of this chapter, and the bylaws, rules and regulations of the board;
- (h) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for taking the disciplinary actions provided for in Section 73-13-37, including the imposition of fines as provided therein;
- (i) Investigate, prosecute or initiate prosecution for violation of the laws of this state pertaining to the practices of engineering and surveying, or matters affecting the rights and duties or otherwise related thereto; and



(j) Adopt rules setting forth qualifications and standards of practice for firms.

In carrying into effect the provisions of Sections 73-13-1 through 73-13-105, the board, under the hand of its president or secretary and the seal of the board may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in any case involving the disciplinary actions provided for in Section 73-13-37 or 73-13-89 or practicing or offering to practice without licensure. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

**§73-13-17. Receipts and disbursements.**

(1) The board shall keep an account of all monies derived from the operation of Sections 73-13-1 through 73-13-105. All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of Sections 73-13-1 through 73-13-105 when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the board and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund. The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies.

(2) The executive director and the secretary of the board shall give a surety bond satisfactory to the other members of the board, conditioned upon the faithful performance of their duties. The premium on said bond shall be regarded as a proper and necessary expense of the board. When any member of the board or any employee thereof is engaged on business of the board away from the principal office of the board, he shall be entitled to receive expenses as authorized in Section 25-3-41, and members of the board shall be entitled to per diem in an amount not to exceed that authorized in Section 25-3-69, all as approved by the board.

(3) The board shall employ an executive director and may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which in the opinion of the

board are reasonably necessary for the proper performance of its duties under this chapter.

**§73-13-19. Records and reports.**

The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show (a) the name, age, and residence of such applicant, (b) the date of the application, (c) the place of business of such applicant, (d) his educational and other qualifications, (e) whether or not an examination was required, (f) whether the applicant was rejected, (g) whether a certificate of licensure was granted, (h) the date of the action of the board, and (i) such other information as may be deemed necessary by the board.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, on or before March 15, the board shall submit to the Governor a report of its transactions of the preceding year, and shall file with the Secretary of State a copy of such report of the board, attested by affidavits of its president and its secretary.

**§73-13-21. Roster to be prepared.**

A roster showing the names and places of business or residence of all licensed professional engineers and licensed professional surveyors and licensed firms shall be prepared biennially by the board.

**§73-13-23. Qualifications for licensure.**

(1) (a) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

Graduation in an engineering curriculum of four (4) years or more from a school or college approved by the board as of satisfactory standing or graduation in an engineering, engineering technology, or related science curriculum of four (4) scholastic years from a school or college other than those approved by the board plus a graduate degree in an engineering curriculum from a school or college wherein the same engineering curriculum at the undergraduate level is approved by the board as of satisfactory standing; a specific record of four (4) years of qualifying engineering experience indicating that the applicant is competent to practice engineering (in counting years of experience, the board at its discretion may give credit not in excess of three (3) years of satisfactory graduate study in engineering), and the successful passing of examinations in engineering as prescribed by the board; or

(b) In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

(c) The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be the practice of

engineering.

(d) Any person having the necessary qualifications prescribed in Sections 73-13-1 through 73-13-45 to entitle him to licensure shall be eligible for such licensure although he may not be practicing his profession at the time of making his application.

(e) No person shall be eligible for licensure as a professional engineer who is not of good character and reputation, as defined in the board's Code of Professional Conduct, or who presents claims in support of his application which contain major discrepancies.

(2) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for enrollment as an engineer intern:

(a) Graduation in an engineering curriculum of four (4) scholastic years or more from a school or college approved by the board as of satisfactory standing or graduation in an engineering, engineering technology, or related science curriculum of four (4) scholastic years from a school or college other than those approved by the board plus a graduate degree in an engineering curriculum from a school or college wherein that same engineering curriculum at the undergraduate level is approved by the board as of satisfactory standing; and

(b) Successfully passing a written examination in the fundamental engineering subjects.

**§73-13-25. Application for licensure; fees.**

Applications for enrollment as an engineer intern or for licensure as a professional engineer shall be on the forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of the applicant's qualifying experience. Applications for licensure or relicensure as a professional engineer shall also contain not less than five (5) references, of whom three (3) or more shall be engineers having personal knowledge of the applicant's engineering experience.

The application fee for licensure as a professional engineer shall be determined by the board but shall not exceed Seventy-five Dollars (\$75.00), which fee shall accompany the application.

The application fee for enrollment as an engineer intern shall be determined by the board but shall not exceed Twenty-five Dollars (\$25.00), which fee shall accompany the application.

Whenever an applicant is cited to an examination or reexamination, an additional fee equal to the actual cost of the examination shall be paid by the applicant.

Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

**§73-13-27. Examinations.**

Examinations shall be required for enrollment as an engineer intern and for licensure as a professional engineer. The examinations shall be held at such time and place as the board may determine.

The scope of the examinations and the methods and procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property.

**§73-13-29. Certificate of Licensure.**

The board shall issue a certificate of licensure upon payment of licensure fee as provided for in Sections 73-13-1 through 73-13-45, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of said sections. In the case of a licensed engineer, the certificate shall authorize the "practice of engineering." In the case of an engineer intern, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer intern." Certificates shall show the full name, shall have a serial number, and shall be signed by the president and the secretary of the board under seal of the board.

The issuance of a certificate of licensure by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer while the said certificate remains unrevoked or unexpired.

Before engaging in the practice of the profession, each licensee hereunder shall upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name and the legend, "licensed professional engineer". Plans, specifications, and reports prepared by a licensee shall be stamped with the seal by the licensee during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with the seal after the certificate of the licensee named thereon is expired or revoked, or while the certificate is suspended. It shall be unlawful for anyone other than the licensee to whom the seal has been issued to stamp or seal any document utilizing such seal.

**§73-13-31. Expiration of Certificate of Licensure.**

Certificates of licensure shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person licensed under Sections 73-13-1 through 73-13-105, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year. Such notice shall be sent by first class mail to the last known address of the licensee at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee, as determined by the board, not to exceed Fifty Dollars (\$50.00). A person who is licensed as a professional engineer and as a professional surveyor may affect both renewals by the payment of a fee not to exceed Seventy-five Dollars (\$75.00). The failure on the part of any licensee to renew his certificate annually in the month of December as required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a

certificate after the month of December shall be increased ten percent (10%) for each month, or fraction of a month that payment of renewal is delayed; provided, however, that the maximum for delayed renewal shall not exceed five (5) times the normal renewal fee. A state agency or any of the state's political subdivisions, such as a county or municipality, may pay the renewal fee of any licensee who is a full-time employee; provided, however, that any licensee who permits his/her renewal fee to be paid from any public funds shall not perform engineering or surveying services for a fee or other emoluments for the public or for any other public entity. If a certificate has expired for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination in the principles and practice may be required. The reexamination requirement may be waived by the board provided the applicant has continued to practice in another jurisdiction from the date of expiration of his certificate.

**§73-13-33. Rights and privileges.**

All professional engineers, licensed in accordance with the provisions of Chapter 56 of the Laws of Mississippi 1928, Extraordinary Session, and as amended under Senate Bill No. 383, Chapter 131, Laws of 1940, and whose certificates of licensure are in effect at the time of passage of Sections 73-13-1 through 73-13-45, shall be entitled to all the rights and privileges of a licensed professional engineer as provided for in those sections, while the said certificates remains unrevoked or unexpired.

**§73-13-35. Persons holding certificates from a national body or other state.**

The board may, upon application therefor and the payment of a fee in accordance with Section 73-13-25, issue a certificate of licensure as a professional engineer to any person who holds a certificate of qualification or licensure issued to him by proper authority of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of Sections 73-13-1 through 73-13-45 and the rules established by the board. The issuance of a certificate of licensure by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 1 of this act. *(The last sentence of this section was enacted by the 2013 state legislature; "this act" refers to Senate Bill 2419, 2013 session, which can be found on the Board's website.)*

**§73-13-37. Disciplinary actions; hearings; subpoenas; statement of charges; transcripts; witnesses; right to counsel; penalties; probation; reissuance of certificate of licensure; appeals.**

(1) The board, upon satisfactory proof and in accordance with the provisions of this chapter and the implementing regulations of the board pertaining thereto, is authorized to take the disciplinary actions provided for hereinafter against any person or firm practicing engineering or surveying, including nonregistrants, for any of the following reasons:

(a) Violating any of the provisions of Section 73-13-1 through 73-13-45 or the implementing bylaws, rules, regulations, or standards of ethics or conduct duly adopted and promulgated by the board pertaining to the practice of

engineering;

(b) Fraud, deceit or misrepresentation in obtaining a certificate of licensure;

(c) Gross negligence, malpractice or incompetency;

(d) Any professional misconduct, as defined by the board through bylaws, rules and regulations, and standards of conduct and ethics;

(e) Practicing or offering to practice engineering on an expired certificate or while under suspension or revocation of certificate unless said suspension or revocation be abated through probation, as provided for hereinafter; or

(f) Addiction to or dependence on alcohol or other habit-forming drugs or being an habitual user of alcohol, narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect.

(2) Any person may prefer charges against any other person practicing engineering or surveying, including nonlicensees, for committing any of the acts set forth in subsection (1). Such charges shall be sworn to, either upon actual knowledge or upon information and belief, and shall be filed with the board. In the event any person certified under Sections 73-13-1 through 73-13-45 is expelled from membership in any Mississippi professional engineering society or association, the board shall thereafter cite said person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against him.

The board shall investigate all charges filed with it and, upon finding reasonable cause to believe that the charges are not frivolous, unfounded or filed in bad faith, may, in its discretion, cause a hearing to be held, at a time and place fixed by the board, regarding the charges and may compel the accused by subpoena to appear before the board to respond to said charges.

No disciplinary action taken hereunder may be taken until the accused has been furnished both a statement of the charges against him and notice of the time and place of the hearing thereof, which shall be personally served on or mailed by registered or certified mail, return receipt requested, to the last-known business or residence address of the accused not less than thirty (30) days prior to the date fixed for the hearing.

Notice on a firm shall be had by notice on the principal or officer designated by the firm as having management or supervision of the engineering/surveying practice, or on the registered agent in the case of a corporation not domiciled in Mississippi.

(3) At any hearing held hereunder, the board shall have the power to subpoena witnesses and compel their attendance and may also require the production of books, papers, documents, etc., as provided elsewhere in this chapter. The board is authorized to designate or secure a hearing officer to conduct the hearing. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of such transcriptions may be provided to any party to the proceedings at a cost to be fixed by the board.

All witnesses who shall be subpoenaed and who shall appear in any proceedings before the board shall receive the same fees and mileage as allowed by law in judicial civil proceedings, and all such fees shall be taxed as part

of the costs in the case.

Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

The accused shall have the right to be present at the hearing in person, by counsel or other representative, or both. The board is authorized to continue or recess the hearing as may be necessary.

(4) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement for further deliberation. The board shall render its decision not more than ninety (90) days after the close of the hearing, and shall forward to the last-known business or residence address of the accused, by certified or registered mail, return receipt requested, a written statement of the decision of the board.

If a majority of the board finds the accused guilty of the charges filed, the board may: (a) issue a public or private reprimand; (b) require the guilty party to complete a course or courses, approved by the board, in ethics or other appropriate subjects; (c) suspend or revoke the certificate of the accused, if the accused is a licensee; and/or (d) in lieu of or in addition to such reprimand, course completion, suspension or revocation, assess and levy upon the guilty party a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

(5) A monetary penalty assessed and levied under this section shall be paid to the board upon the expiration of the period allowed for appeal of such penalties under this section, or may be paid sooner if the guilty party elects. Money collected by the board under this section shall be deposited to the credit of the board's special fund in the State Treasury.

When payment of a monetary penalty assessed and levied by the board in accordance with this section is not paid when due, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the guilty party and if the guilty party be a nonresident of the State of Mississippi, such proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(6) When the board has taken a disciplinary action under this section, the board may, in its discretion, stay such action and place the guilty party on probation for a period not to exceed one (1) year upon the condition that the guilty party shall not further violate either the laws of the State of Mississippi pertaining to the practices of engineering or the bylaws, rules and regulations, or standards of conduct and ethics promulgated by the board.

(7) The board, in its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted under this section against either the accused, the charging party, or both, as it may elect.

(8) The power and authority of the board to assess and levy the monetary penalties provided for in this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(9) The board, for sufficient cause, may reissue a revoked certificate of licensure or authority whenever a majority of the board members vote to do so.

(10) Any person or firm aggrieved by an action of the board denying or revoking his certificate of licensure or authority or relicensure as a professional engineer or his certificate of enrollment as an engineer intern, or who is aggrieved by the action of the board as a result of disciplinary proceedings conducted under this section may appeal therefrom to the chancery court of either the county wherein the appellant resides or the Chancery Court of the First Judicial District of Hinds County, at the election of the appellant. If the appellant is a nonresident of this state, the appeal shall be made to the Chancery Court of the First Judicial District of Hinds County. Such appeal shall be perfected before the board by the filing with the board of a notice of appeal to the chancery court. The court shall require a bond in an amount not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay all costs which may be adjudged against the appellant. The notice of appeal shall be filed not later than thirty (30) days after the decision of the board is forwarded to the guilty party, as provided hereinabove.

All appeals perfected hereunder shall not act as a supersedeas, and shall be made to the chancery court solely upon the record made before the board during the disciplinary hearing. When the appeal shall have been properly perfected as provided herein, the board shall cause the record of the proceedings conducted before it to be compiled, certified and filed with the chancery court. The briefing schedule shall be the same as for appeals to the Supreme Court. The chancery court shall be required to rule on the case within sixty (60) days of the close of briefing. All procedures and penalties provided for in this section shall apply to nonlicensees as well as licensees.

(11) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the certificate of licensure of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a certificate when required by Section 93-11-157 or 93-11-163, are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(12) Any board member whose objectivity in a disciplinary proceeding is impaired shall either recuse himself from sitting as a member of the board in a



formal disciplinary hearing in that proceeding or be disqualified therefrom. In the event a disciplinary proceeding is brought against a member or former member of the board, no member of the board who has served concurrently with the respondent in the disciplinary proceeding shall sit as a member of the board in a formal disciplinary hearing in that proceeding. If, after recusal or disqualification of board members as provided herein, there does not remain a quorum of the board to sit for a disciplinary hearing, the board shall have the power to select, in accordance with duly promulgated regulations of the board, substitute panel members from slates of candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve the number of panel members must meet the qualifications of board members as provided in Section 73-13-7 and shall receive compensation as provided for board members in Section 73-13-9.

**§73-13-39. Violations and penalties.**

Any person or firm who shall practice, or offer to practice, engineering in this state without being licensed in accordance with the provisions of Sections 73-13-1 through 73-13-45, or any person presenting or attempting to use as his own the certificate of licensure or seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person or firm who shall attempt to use an expired or revoked certificate of licensure, or any person or firm who shall violate any of the provisions of Sections 73-13-1 through 73-13-45, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Thousand Dollars (\$5,000.00) in addition to reimbursement of investigative expenses and court costs, or suffer imprisonment for a period not exceeding three (3) months, or both. The criminal penalties provided for in this section may be assessed in addition to those civil penalties provided for in Section 73-13-37.

Unless licensed in accordance with the provisions of Sections 73-13-1 through 73-13-45, no person shall:

(a) Directly or indirectly employ, use, cause to be used or make use of any of the following terms or any combinations, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: "engineer," "professional engineer," "licensed engineer," "registered engineer," "registered professional engineer," "licensed professional engineer," "engineered," "engineering"; or

(b) Directly or indirectly employ, use, cause to be used or make use of any letter, abbreviation, word, symbol, slogan, sign or any combinations or variations thereof which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice engineering; or

(c) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of engineering.

Any person, firm, partnership, association or corporation which shall do,

offer or attempt to do any one or more of the acts or things set forth in items (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of engineering.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of Sections 73-13-1 through 73-13-45 and to prosecute any persons violating same. The Attorney General of the state or his assistant shall act as legal advisor of the board in carrying out the provisions of Sections 73-13-1 through 73-13-45.

**§73-13-41. Applicability.**

(1) Sections 73-13-1 through 73-13-45 shall not be construed to prevent or to affect:

(a) The practice of any other legally recognized profession or trade, such as: (i) engineers employed by contractors to supervise work on which a licensed engineer is engaged; (ii) architects who are registered under the provisions of Chapter 1 of this title; and (iii) the practice of geology as regulated pursuant to Title 73, Chapter 63:

(b) The work of an employee or a subordinate of a person holding a certificate of licensure under this act, provided such work does not include final designs or decisions and is done under the responsibility, checking and supervision of a person holding a certificate of licensure under Sections 73-13-1 through 73-13-45;

(c) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering for said government;

(d) The performance of engineering services by any regular full-time employee of a manufacturing, research and development, railroad or other industrial corporation, provided:

- (i) Such services are rendered on or in connection with existing fixed works, equipment, systems, processes or facilities owned, operated, or leased by such corporation and/or its affiliates;
- (ii) Such services are not rendered to third parties;
- (iii) Such services do not consist of original plant design, original system design, or original process design, other than routine system extensions that do not compromise the integrity of the original design;
- (iv) Such services comply with all requirements specified by the employee's company or corporation;
- (v) All fixed works, equipment, systems, processes or facilities modified by such services undergo a safety review that confirms; 1. the construction and equipment is in accordance with design specifications; and 2. safety, operating, maintenance and emergency procedures are in place to safeguard life, health and property.
- (vi) Such services are not required to be performed, approved, or certified by a professional engineer pursuant to law or regulation, whether federal, state, or local, other than

Section 73-13-1 through 73-13-45 hereof or any applicable rules or regulations promulgated by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

It is further stated that this subsection (d) is intended to codify the policy and practices of the board at the time of enactment of this Senate Bill No. 2380, 1999 Regular Session, and that any ambiguities in this subsection should be construed in accordance with this intent.

(e) The performance of engineering services with respect to utility facilities by any public utility subject to regulation by the Mississippi Public Service Commission, the Federal Communications Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory Commission, including its parents, affiliates, subsidiaries, provided that they are engaged solely and exclusively in performing service for such public utility and/or its parents, affiliates or subsidiaries, and as long as such services comply with all standard operating procedures and requirements specified by the employee's company or corporation. This exemption shall not extend to: (i) the practice of engineering performed by public utilities or their officers or employees when such services are rendered to non-affiliated third parties in exchange for compensation other than that received from their employer, or the use of any name, title or words which tend to convey the impression that a nonregistrant is offering engineering services to the public; and (ii) services which are required to be performed, approved or certified by a professional engineer pursuant to law or regulation whether federal, state or local, other than Sections 73-13-1 through 73-13-45 hereof or any applicable rules or regulations promulgated by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

It is further stated that this subsection (e) is intended to codify the policy and practices of the board at the time of enactment of Senate Bill No. 2380, 1999 Regular Session, and that any ambiguities in this subsection should be construed in accordance with this intent; or

(f) The practice of engineering shall not include the work ordinarily performed by persons who operate or maintain machinery, equipment, water plants, power generation, utility transmission, utility distribution facilities, sewage plants and solid waste disposal facilities; or

(g) Activities conducted during the course of, or in anticipation of, litigation including, but not exclusively: analyzing, evaluating, consulting, reconstructing, testing, responding to the opinions and testing conducted by others, and offering expert testimony. However, this exemption shall not apply in legal proceedings where the subject matter of the litigation or claim is nonforensic engineering activity legally required to be performed under a Mississippi engineer's license.

(2) In addition to the exemptions provided in subsection (1), there is hereby granted and reserved to the board the authority to exempt from Sections 73-13-1 through 73-13-45 by regulations specific engineering tasks or functions performed by regular full-time employees of manufacturing, public utility, research and development, railroad or other industrial corporations rendered in the course and scope of their employment, on a case by case basis, if, in the opinion of the board, the public health and welfare is not endangered nor the

engineering profession diminished.

**§73-13-43. Certificate of Authority; corporations, firms, partnerships.**

As of January 1, 2005, no corporation, firm or partnership may engage in the practice of professional engineering in this state unless it has been issued a certificate of authority by the board. In order to qualify for a certificate of authority, a corporation, firm or partnership must have at least one (1) Mississippi-licensed professional engineer as a principal officer, partner or designated principal engineer of the firm who has management responsibility for such practice and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm's professional reputation and liability.

The board shall have the authority to promulgate rules and regulations setting procedures, standards and other requirements for issuing and maintaining a certificate of authority for corporations, firms or partnerships practicing engineering in the State of Mississippi.

Applications for a certificate of authority shall be on the forms prescribed and furnished by the board, and provide all the information required by said board. The board shall establish a fee for the certificate of authority application, not to exceed Two Hundred Fifty Dollars (\$250.00). Any corporation, firm or partnership having the necessary qualifications as prescribed herein and the rules and regulations of the board shall be issued a certificate of authority for said corporation, firm or partnership to practice engineering and to contract and collect fees for furnishing this service.

Each certificate of authorization will expire on December 31 of each year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under Sections 73-13-1 through 73-13-45 of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year. The renewal fee shall not exceed One Hundred Fifty Dollars (\$150.00); penalties for late renewal shall be ten percent (10%) per month that payment is delayed. Additionally, if any of the information on the initial or any subsequent renewal application changes for the corporation, firm or partnership, said corporation, firm or partnership shall notify the board in the form and manner prescribed by the board within thirty (30) days of the change.

Effective January 1, 2005, the Secretary of State shall not issue a certificate of incorporation, licensure or authorization to an applicant or licensure as a foreign firm to a corporation, firm or partnership which includes in its name, or among the objectives for which it is established, any of the words, "engineer," "engineering," or any modification or derivation thereof, unless the board has issued for said applicant a certificate of authority or a letter indicating the eligibility of such applicant to receive such a certificate. The corporation, firm or partnership applying shall supply such certificate or letter from the board with its application for incorporation, licensure or authorization to the Secretary of State.

An engineer who renders occasional, part-time or consulting engineering services to or for a corporation, firm or partnership may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or managers by reason of its compliance with the provisions of this section. No individual practicing engineering under this chapter shall be relieved of responsibility for engineering services performed by reason of employment or other relationship with a firm holding an authorization certificate.

**§73-13-45. Public Works.**

(1) (a) Neither the state, nor any of its political subdivisions, such as a county, city or town, shall award construction contracts of any public work involving the practice of engineering or architecture unless the plans, specifications and estimates have been prepared and such work supervised by a registered professional engineer or architect; however, nothing in this subsection shall be held to apply to such public work in which the expenditure does not exceed One Hundred Thousand Dollars (\$100,000.00).

(b) The state and any of its political subdivisions, such as a county, city or town, may engage in construction of public buildings involving the practice of engineering or architecture and using political subdivision work forces without the supervision of a licensed professional engineer or architect, provided that the total cost of the public building does not exceed One Hundred Fifty Thousand Dollars (\$150,000.00). This paragraph (1) (b) shall not supersede any rules and regulations promulgated by the State Department of Health and the Department of Environmental Quality.

(2) (a) In the awarding of public contracts for professional engineering services, preference shall be given to resident professional engineers over those nonresident professional engineers domiciled in a state having laws which grant a preference to the professional engineers who are residents of that state. Nonresident professional engineers shall be awarded Mississippi public contracts only on the same basis as the nonresident professional's state awards contracts to Mississippi professional engineers under similar circumstances. When a nonresident professional engineer submits a proposal for a public project, he shall attach thereto a copy of his resident state's current statute, resolution, policy, procedure or executive order pertaining to such state's treatment of nonresident professional engineers. Resident professional engineers actually domiciled in Mississippi, be they corporate, individuals or partnerships, shall be granted preference over nonresidents in the awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident. As used in this section, the term "resident professional engineer" includes a nonresident person, firm or corporation that has been qualified to do business in this state and has maintained a permanent full-time office in the State of Mississippi for not less than two (2) years prior to submitting a proposal for a public project, and the subsidiaries and affiliates of such a person, firm or corporation.

(b) The provisions of this subsection shall not apply to any contract for any project upon which federal funds would be withheld because of the preference requirements of this subsection.

(c) Any contract, agreement or arrangement for professional engineering services negotiated, made or entered into, directly or indirectly, by the

state, counties, municipalities, or any political subdivision thereof, or by any special districts, which is in any way in violation of the provisions of this subsection is hereby declared to be void as contrary to the public policy of this state and shall not be given effect or enforced by any court of this state or by any of its officers or employees.

(d) Nothing in this subsection shall affect the validity of any contract in existence prior to July 1, 1989.

(e) For purposes of this section, the term "professional engineering services" means those within the scope of the practice of professional engineering as defined by Sections 73-13-1 through 73-13-45, or those performed by any registered professional engineer in connection with professional employment or practice.

#### **§73-13-71. Definitions.**

(1) The term "board," as used in Sections 73-13-71 through 73-13-105, shall mean the Board of Licensure for Professional Engineers and Surveyors as provided for in Section 73-13-5 of this chapter.

(2) The term "professional surveyor," as used in Sections 73-13-71 through 73-13-105, shall mean a person who engages in the practice of surveying as hereinafter defined, whether in an individual capacity, or in behalf of or as an employee of any state, county, or municipal authority of the State of Mississippi.

(3) The term "surveyor intern," as used in Sections 73-13-71 through 73-13-105, shall mean a candidate for licensure as a professional surveyor who has successfully passed the fundamentals of land surveying examination, has met the requirements of the board for enrollment, has received from the board a certificate stating that he has successfully passed this portion of the professional land surveying examinations and has been enrolled as a surveyor intern.

(4) The practice of "surveying," within the meaning and intent of Sections 73-13-71 through 73-13-105, shall mean providing professional services such as consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling and interpreting reliable scientific measurement and information relative to the location, size, shape or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, utilization and development of these facts and interpretation into an orderly survey map, plan or report and in particular, the retracement of or the creating of land boundaries and descriptions of real property.

The practice of surveying includes, but is not limited to, any one or more of the following:

(a) Locating, relocating, establishing, reestablishing, laying out or retracing any property boundary or easement.

(b) Making any survey for the subdivision of any tract of land, including rights-of-way and easements.

(c) Determining, by the use of principles of surveying, the position for any survey monument or reference point; or setting, resetting or replacing any such monument or reference point, commonly known as control surveys.

(d) Creating, preparing or modifying electronic or computerized data, including land information systems and geographic information systems, relative to the performance of the activities in the above-described paragraphs (a) through (c).

**§73-13-73. Persons practicing surveying required to be licensed.**

No person shall practice surveying without having first been duly and regularly licensed by the Board of Licensure for Professional Engineers and Surveyors as a professional surveyor as required by Sections 73-13-71 through 73-13-105, nor shall any person practice surveying whose authority to practice is revoked by the said board.

The practice of surveying, which must be performed by or under the direct supervision of a professional surveyor and each map or drawing of which must be stamped with the seal of said licensee as provided in Section 73-13-83, includes, but is not limited to, the following: property and boundary surveys; subdivision surveys and plats; public land surveys; easement surveys; right-of-way surveys; lease surveys; and all other surveys that require the establishment or reestablishment of property boundaries.

Duties within both the practice of surveying and the practice of engineering, which must be performed by or under the direct supervision of a professional surveyor or a professional engineer and each map, drawing or report of which must be stamped with the seal of said licensee as provided in Sections 73-13-29 and 73-13-83, include, but are not limited to, the following:

(a) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon, commonly known as topographical surveys and as-built surveys (excluding the location of property boundaries);

(b) Performing geodetic surveying which includes surveying for determination of the size and shape of the earth utilizing angular and linear measurements through spatially oriented spherical geometry;

(c) Determining, by the use of principles of surveying, the position for any survey control (nonboundary) monument or reference point; or setting, resetting or placing any such monument or reference point; and

(d) Creating, preparing or modifying electronic or computerized data, including land information systems, and geographic information systems, relative to the performance of the activities in the above-described paragraphs (a) through (c).

**§73-13-75. Granting further powers to State Board of Licensure for Professional Engineers and Surveyors.**

The Mississippi Board of Licensure for Professional Engineers and Surveyors is hereby authorized and empowered to examine applicants for registration to practice surveying; to license and issue certificates of licensure to all applicants whom it deems qualified to practice surveying in accordance with Sections 73-13-71 through 73-13-105; and to revoke certificates of licensure for just cause as provided for in Sections 73-13-71 through 73-13-105.

**§73-13-77. Qualifications of applicant as professional surveyor or surveyor intern.**

**(Through June 30, 2012, this section shall read as follows:)**

(1) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional surveyor:

(a) The successful completion of a curriculum of two (2) scholastic years or more from a school or college approved by the board as of satisfactory standing, including the completion of approved courses in surveying and related subjects; a specific record of three (3) years of qualifying surveying experience indicating that the applicant is competent to practice surveying; and successfully passing examinations in surveying prescribed by the board; or

(b) A specific record of seven (7) years' or more experience in surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice surveying; and successfully passing examinations in surveying prescribed by the board.

(2) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as a surveyor intern:

(a) The successful completion of two (2) scholastic years or more from a school or college approved by the board as of satisfactory standing, including the completion of approved courses in surveying and related subjects, and successfully passing an examination in the fundamentals of land surveying; or

(b) A specific record of three (3) years or more of qualifying surveying experience, and successfully passing an examination in the fundamentals of land surveying.

(3) No person shall be eligible for licensure as a professional surveyor who is not of good character and reputation, as defined in the board's Code of Professional Conduct.

**(From and after July 1, 2012, through June 30, 2016, this section shall read as follows:)**

(1) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional surveyor:

(a) The successful completion of a curriculum of two (2) scholastic years



or more from a school or college approved by the board as of satisfactory standing, including the completion of approved courses in surveying and related subjects; a specific record of three (3) years of qualifying surveying experience indicating that the applicant is competent to practice surveying; and successfully passing examinations in surveying prescribed by the board; or

(b) A specific record of seven (7) years' or more experience in surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice surveying; and successfully passing examinations in surveying prescribed by the board.

(2) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for enrollment as a surveyor intern:

(a) (i) A Bachelor's degree in geomatics, surveying or surveying technology approved by the board consisting of a minimum of one hundred twenty (120) semester hours, or the equivalent, in surveying curriculum subjects; or

(ii) A Bachelor's degree in a related science curriculum defined by board rule consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule; or

(iii) A Bachelor's degree in a related science curriculum defined by board rule; or

(iv) An associate degree, or its equivalent, in a curriculum approved by the board consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule; or

(v) A high school diploma, or its equivalent, and a specific record of eight (8) years or more of qualifying surveying experience; and

(b) Successfully passing examinations in surveying fundamentals prescribed by the board.

(3) No person shall be eligible for licensure as a professional surveyor who is not of good character and reputation, as defined in the board's Code of Professional Conduct.

**(From and after July 1, 2016, this section shall read as follows:)**

(1) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional surveyor:

(a) (i) A bachelor's degree in geomatics, surveying or surveying technology approved by the board consisting of a minimum of one hundred twenty (120) semester hours, or the equivalent, in surveying curriculum subjects and a specific record of four (4) years of qualifying surveying experience; or

(ii) A bachelor's degree in a related science curriculum defined by board rule, consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule, and a specific record of five (5) years of qualifying surveying experience; or

(iii) A bachelor's degree in a related science curriculum defined by board rule, and a specific record of six (6) years of qualifying surveying experience; or

(iv) An associate degree, or its equivalent, in a curriculum approved by the board consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule, and a specific record of seven (7) years or more of qualifying surveying experience; or

(v) A high school diploma, or its equivalent, and a specific record of twelve (12) years or more of qualifying surveying experience; and

(b) successfully passing examinations in surveying prescribed by the board.

(2) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for enrollment as a surveyor intern:

(a) (i) A bachelor's degree in geomatics, surveying or surveying technology approved by the board consisting of a minimum of one hundred twenty (120) semester hours, or the equivalent, in surveying curriculum subjects; or

(ii) A bachelor's degree in a related science curriculum defined by board rule consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule; or

(iii) A bachelor's degree in a related science curriculum defined by board rule; or

(iv) An associate degree, or its equivalent, in a curriculum approved by the board consisting of sixty-two (62) semester hours in surveying curriculum subjects as defined by board rule; or

(v) A high school diploma, or its equivalent, and a specific record of eight (8) years or more of qualifying surveying experience; and

(b) Successfully passing examinations in surveying fundamentals prescribed by the board.

(3) No person shall be eligible for licensure as a professional surveyor who is not of good character and reputation, as defined in the board's Code of Professional Conduct.

**§73-13-79. Application and licensure fees.**

Application for enrollment as a surveyor intern or for licensure as a professional surveyor shall be on forms prescribed and furnished by the board, shall contain statements made under oath showing the applicant's education and a detailed summary of the applicant's qualifying experience. Applications for licensure or relicensure as a professional surveyor shall also contain not less than five (5) references, of whom three (3) or more shall be professional surveyors having personal knowledge of the applicant's surveying experience.

The application fee for licensure as a professional surveyor shall be

determined by the board but shall not exceed Seventy-five Dollars (\$75.00), which fee shall accompany the application.

The application fee for enrollment as a surveyor intern shall be determined by the board, but shall not exceed Twenty-five Dollars (\$25.00), which fee shall accompany the application.

Whenever an applicant is cited to an examination or reexamination, an additional fee equal to the actual cost of the examination shall be paid by the applicant.

**§73-13-81. Examinations.**

Examinations shall be required for enrollment as a surveyor intern and licensure as a professional surveyor. The examinations shall be held at such time and place as the board may determine.

The scope of the examinations and the methods and procedures shall be prescribed by the board with special reference to the applicant's ability to exercise direct control and personal supervision of all surveying functions.

The board shall cite applicants to examinations in accordance with its rules and regulations.

**§73-13-83. Certificates; seals.**

The board shall issue a certificate, upon payment of the required fee, to any applicant who, in the opinion of the board, has satisfactorily met all requirements therefor. In the case of licensed professional surveyors, the certificate shall authorize the "practice of surveying." In the case of a surveyor intern, the certificate shall state that the applicant has successfully passed the examination in fundamental land surveying subjects required by the board and has been enrolled as a "surveyor intern." Certificates shall show the full name of the professional surveyor or surveyor intern, shall have a serial number and shall be signed by the president and the secretary of the board under seal of the board.

The issuance of a certificate of licensure by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed professional surveyor, while the said certificate remains unrevoked or unexpired.

Each person licensed as a professional surveyor after June 30, 1991, but prior to July 1, 2004, shall, upon licensure, obtain a seal of the design authorized by the board, bearing the licensee's name and the legend "Registered Professional Land Surveyor." Each person licensed as a professional surveyor after June 30, 1991, but prior to July 1, 2004, who is also licensed as a professional engineer in accordance with Sections 73-13-1 through 73-13-45 may also obtain one (1) seal bearing the licensee's name and the legend "Registered Professional Engineer and Professional Land Surveyor." Any person who, before July 1, 1991, but prior to July 1, 2004, was licensed under this chapter as a land surveyor or as both a professional engineer and a land surveyor may continue to use the seal or seals that he obtained and that were authorized by the board to be used by such person before July 1, 1991. From and after July 1, 2004, each person licensed as a professional surveyor shall, upon licensure,

obtain a seal of the design and authorized by the board, bearing the licensee's name and the legend "Professional Surveyor." From and after July 1, 2004, each person licensed as a professional surveyor, who is also licensed as a professional engineer, may also obtain a seal bearing the licensee's name and the legend "Professional Engineer and Professional Surveyor.

Plats, maps and reports prepared by a licensee shall be stamped with the seal during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with the seal after the certificate of the licensee named thereon has expired or been revoked or suspended. It shall be unlawful for anyone other than the licensee to whom the seal has been issued to stamp or seal any documents utilizing such seal.

**§73-13-85. Expiration and renewals.**

Certificates of licensure shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person licensed under Sections 73-13-71 through 73-13-105 of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year; such notice shall be sent by first class mail to the last known address of the licensee at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be affected at any time during the month of December by the payment of a fee not to exceed Fifty Dollars (\$50.00). A person who is licensed as a professional surveyor and as a professional engineer may effect both renewals by the payment of a single fee not to exceed Seventy-five Dollars (\$75.00). The failure on the part of any licensee to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month that payment of renewal is delayed; however, the maximum fee for delayed renewal shall not exceed five (5) times the normal renewal fee.

If a certificate has expired for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination in the principles and practice may be required. The reexamination may be waived by the board provided the applicant has continued to practice under another jurisdiction from the date of expiration of his certificate.

**§73-13-87. Acceptance of certificates from other states, territories, and countries.**

The board may, upon application therefor and the payment of a fee to be determined by the board, issue a certificate of licensure as a professional surveyor to any person who holds a certificate of licensure issued to him by the proper authority of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of Sections 73-13-71 through 73-13-105 and the rules established by the board.

**§73-13-89. Disciplinary actions.**

The powers and duties of the board regarding disciplinary actions against any person, including nonlicensees, accused of violating any of the laws of the State of Mississippi regarding the practice of surveying or the rules, regulations, bylaws, or standards of conduct and ethics pertaining thereto as duly promulgated by the board, as well as the procedures for conducting said disciplinary proceedings, the penal sanctions available to the board in the event the charges are established, and the procedures for appeal from such actions of the board shall be the same as those set forth in Section 73-13-37 and 73-131-39 regarding actions against persons charged with similar violations related to the practice of engineering.

**§73-13-93. Appeals.**

Any person who may feel aggrieved by an action of the board denying or revoking his certificate of licensure or relicensure as a professional surveyor or enrollment as surveyor intern may appeal therefrom to the chancery court of the county of residence of such person and, after full hearing, the court shall make such order sustaining or reversing the action of the board as it may seem just and proper. However, in case of a nonresident licensee or applicant, such appeal shall be taken or made to the Chancery Court of the First Judicial District of Hinds County, Mississippi.

Actions taken by the board in suspending a certificate of licensure when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

**§73-13-95. Violations and penalties.**

Any person who shall practice, or offer to practice, surveying in this state without being licensed in accordance with the provisions of Sections 73-13-71 through 73-13-105, or any person presenting or attempting to use as his own the certificate of licensure or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall knowingly attempt to use a license which has been expired for more than twelve (12) consecutive months or revoked certificate of licensure, or any person who shall violate any of the provisions of Sections 73-13-71 through 73-13-105, shall be guilty of a misdemeanor, and shall, upon conviction of a first offense of violating this section, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Thousand Dollars (\$5,000.00), and in addition thereto shall make restitution to the board for investigative expenses and court costs, or suffer imprisonment for a period of not exceeding three (3) months, or both. Upon any second and subsequent conviction of violating this section, such person shall be sentenced to pay a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the county jail for not more than one (1) year, or both. The criminal penalties provided for in this section may be assessed in addition to those civil penalties provided for in Section 73-13-37.

Unless licensed in accordance with the provisions of Sections 73-13-71

through 73-13-105, no person shall:

(a) Directly or indirectly employ, use, cause to be used or make use of any of the following terms or any combination, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: "surveyor," "professional surveyor," "licensed surveyor," "registered surveyor," "registered professional surveyor," "licensed professional surveyor," "surveyed," "surveying," "professional land surveyor," or "licensed professional land surveyor";

(b) Directly or indirectly employ, use, cause to be used or make use of any letter, abbreviation, word, symbol, slogan, sign or any combinations or variations thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice surveying; or

(c) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of surveying.

Any person, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in items (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of surveying.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of Sections 73-13-71 through 73-13-105 and to prosecute any persons violating same. The Attorney General of the state or his assistant shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out the provisions of Sections 73-13-71 through 73-13-105.

**§73-13-97. Application of §73-13-77 through 73-13-105.**

Sections 73-13-71 through 73-13-105 shall not be construed to prevent or to affect:

(a) Other professions or trades. The practice of any other legally recognized profession or trade, including the practice of geology as regulated pursuant to Title 73, Chapter 63; or

(b) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of licensure under Sections 73-13-71 through 73-13-105, providing such work does not include final decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of licensure under Sections 73-13-71 through 73-13-105; or

(c) Government officers and employees. The practice of officers and employees of the government of the United States while engaged within this state in the practice of surveying for said government; or

(d) Certain elected or appointed county surveyors. A county surveyor as provided for in Section 135 of the Mississippi Constitution, and Sections 19-27-1 through 19-27-35 implementing the constitutional provision, who holds the

office of county surveyor by either election or appointment, shall be exempt, through December 31, 1983, from the provisions of Sections 73-13-71 through 73-13-105 insofar as his statutory duties within the boundaries of the county in which he is duly elected or appointed are concerned. From and after January 1, 1984, such surveyor shall not be exempt from the provisions of Sections 73-13-71 through 73-13-105 unless he held the office of county surveyor by either election or appointment on December 31, 1983; or

(e) Employees of railroad, public service and/or utility companies. The work or practice of a regular employee of a railroad, or a public service company or public utility, by rendering to such company surveying service in connection with its facilities which are subject to regulation, supervision and control in order to safeguard life, health and property by the Public Service Commission or the Mississippi Department of Transportation of this state, shall be exempt so long as such person is thus actually and exclusively employed and no longer; or

(f) The work of a regular employee of a railroad, rendering to the railroad surveying services in connection with its facilities within the exclusive scope of his employment provided that:

- (i) Any new right-of-way acquisitions for construction of rail lines by class one railroads shall be surveyed and platted in compliance with the Mississippi Minimum Standards for Land Surveying by a Mississippi professional surveyor; and
- (ii) Upon the removal of track and disposition of an abandoned rail line the railroad shall retain and make available upon reasonable request from Mississippi licensed surveyors the railroad's valuation surveys for any such abandoned rail line.

(g) The practice of geologists performing geologic mapping insofar as such practice does not encompass tasks or projects included by statute in the scope of work comprising the practice of professional surveying as defined in Title 73, Chapter 13.

(h) Nothing in this chapter prohibits any municipality or county from creating maps for use in planning, zoning, taxing, elections, police or fire, E-911, public works, transportation or related activities. However, if any such document does not bear the seal and signature of a professional surveyor, the document shall not be considered to be certifiably accurate as to position or location, nor shall the document be considered to be an official survey.

**§73-13-103. Immunity of land surveyors from criminal liability for trespass.**

(1) For the purposes of this section, the term "surveyor" means a licensed professional surveyor as defined in Section 73-13-71, and any person who is employed by or under the direct supervision of a professional surveyor licensed under Sections 73-13-71 through 73-13-97.

(2) A surveyor may enter in or upon public or private lands or waters, except buildings, while in the lawful performance of surveying duties without criminal liability for trespass; however a surveyor shall make a good faith attempt to announce and identify himself and his intentions before entering upon private property and must present documentation sufficient to identify him as a surveyor to anyone requesting such identification.

(3) The provisions of this section do not relieve a surveyor from any civil liability that otherwise is actionable at law or in equity, and do not relieve a surveyor from criminal liability for trespass if the entry in or upon the property extends beyond the property or area that is necessary to actually perform the surveying duties.

(4) Surveyors shall be personally liable for any damage caused to private property when exercising entry under this section. No cause of action shall lie against a landowner for damages to a surveyor while on such lands unless the damage is caused by the intentional tortious conduct of landowner or his agent.

**§73-13-105. Certificate of Authority; corporations, firms, partnerships.**

As of January 1, 2005, no corporation, firm or partnership may engage in the practice of professional surveying in this state unless it has been issued a certificate of authority by the board. In order to qualify for a certificate of authority, a corporation, firm or partnership must have at least one (1) Mississippi-licensed professional surveyor as a principal officer or partner of the firm who has management responsibility for such practice.

The board shall have the authority to promulgate rules and regulations setting procedures, standards and other requirements for issuing and maintaining a certificate of authority for corporations, firms or partnerships practicing surveying in the State of Mississippi.

Applications for a certificate of authority shall be on the forms prescribed and furnished by the board, and provide all the information required by said board. The board shall establish a fee for the certificate of authority application, not to exceed Two Hundred Fifty Dollars (\$250.00). Any corporation, firm or partnership having the necessary qualifications as prescribed herein and the rules and regulations of the board shall be issued a certificate of authority for said corporation, firm or partnership to practice surveying and to contract and collect fees for furnishing this service.

Each certificate of authorization will expire on December 31 of each year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under Sections 73-13-71 through 73-13-105 of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year. The renewal fee shall not exceed One Hundred Fifty Dollars (\$150.00); penalties for late renewal shall be ten percent (10%) per month that payment is delayed. Additionally, if any of the information on the initial or any subsequent renewal application changes for the corporation, firm or partnership, said corporation, firm or partnership shall notify the board in the form and manner prescribed by the board within thirty (30) days of the change.

Effective January 1, 2005, the Secretary of State shall not issue a certificate of incorporation, licensure or authorization to an applicant or licensure as a foreign firm to a corporation, firm or partnership which includes in its name, or among the objectives for which it is established, any of the words, "surveyor," "surveying," or any modification or derivation thereof, unless the board has issued for said applicant a certificate of authority or a letter indicating the eligibility of such applicant to receive



such a certificate. The corporation, firm or partnership applying shall supply such certificate or letter from the board with its application for incorporation, licensure or authorization to the Secretary of State.

An surveyor who renders occasional, part-time or consulting surveying services to or for a corporation, firm or partnership may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or managers by reason of its compliance with the provisions of this section. No individual practicing surveying under this chapter shall be relieved of responsibility for surveying services performed by reason of employment or other relationship with a firm holding an authorization certificate.