

HOUSE BILL NO. HB0277

Surveyors and engineers.

Sponsored by: Representative(s) Jorgensen, Hammons,
Lockhart, Martin and Petersen and Senator(s)
Hastert and Nicholas

A BILL

for

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

9

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

11

12 **Section 1.** W.S. 33-29-150 through 33-29-175 are
13 created to read:

14

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

16

1 (a) As used in this act:

2

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

5

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

12

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

16

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

21

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

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

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

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

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

1

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

5

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

9

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

13

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

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

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

13

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

18

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

1

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

6

7 (xi) "Professional engineer" means a person who,
8 by reason of special knowledge of the mathematical and
9 physical sciences and the principles and methods of
10 engineering analysis and design, acquired by professional
11 education and practical experience, is qualified to
12 practice engineering and who has been duly licensed as a
13 professional engineer by the board. The board may
14 designate a professional engineer as being licensed in a
15 specific discipline or branch of engineering signifying the
16 area in which the engineer has demonstrated competence on
17 the basis of education, experience and examination;

18

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

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

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

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

5

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

9

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

13

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

17

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

20

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

24

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

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

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

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

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

24

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

2

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

12

13 (i) The state engineer;

14

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

17

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

20

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

23

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

3

4 (vi) Three (3) professional land surveyors
5 including two (2) professional land surveyors who are
6 engaged in private practice and (1) professional land
7 surveyor who holds dual licensure in engineering and land
8 surveying.

9

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

14

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

19

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

21

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

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

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

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

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

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

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

6

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

10

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

12

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

17

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

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

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

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

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

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

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

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

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

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

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

4
5 (k) The board shall have the power and authority to
6 waive requirements of this act pertaining to land surveying
7 or engineering licensure provided consideration is given to
8 safeguarding life, health and property and promoting the
9 public welfare.

10

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

17

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

24

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

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

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

15

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

18

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

22

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

24

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

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

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

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

24

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

5

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

8

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

15

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

17

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

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

3

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

5

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

11

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

16

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

19

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

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

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

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

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

1

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

10

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

19

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

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

5
6 (iv) The applicant shall have a bachelor of
7 science degree in a land surveying or engineering
8 curriculum approved by the board which curriculum included
9 at least thirty (30) semester credit hours in surveying,
10 mapping and other courses approved by the board. This
11 paragraph is repealed effective June 30, 2017;

12
13 (v) The applicant shall have an associate degree
14 in a surveying technology curriculum approved by the board
15 plus four (4) years of combined office and field experience
16 in land surveying, of which two (2) years shall have been
17 in charge of land surveying projects under the supervision
18 of a registered land surveyor. This paragraph is repealed
19 effective June 30, 2017;

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

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

2

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

5

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

8

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

11

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

23

1 (iv) Unless exempt under W.S. 33-29-166, the
2 applicant shall pass the fundamentals and professional
3 examination in the discipline in which licensure is sought.

4
5 (b) The following shall apply to an applicant for
6 professional licensure as a land surveyor:

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

10

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

13

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

1

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

5

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

9

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

11

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

21

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

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

3

4 **33-29-164. Fees.**

5

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

12

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

16

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

19

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

22

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

24

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

8

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

13

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

19

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

23

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

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

10

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

16

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

1

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

15

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

17

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

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

8
9 (b) A person holding an active council record with
10 the National Council of Examiners for Engineering and
11 Surveying whose qualifications are evidenced by council
12 record and meet the requirements of this act may, upon
13 application, be licensed without further examination except
14 as required to examine the applicant's knowledge of
15 statutes, rules and design requirements unique to this
16 state.

17
18 (c) The board may exempt an applicant from the
19 fundamentals examination if he is a graduate of a school
20 and curriculum approved by the board and has been actively
21 engaged in experience in the profession for which licensure
22 is sought for at least twenty (20) years after graduation.

23

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

15

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

17

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

20

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

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

3

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

10

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

17

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

20

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

23

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

3

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

6

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

9

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

16

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

19

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

22

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

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

5

6 (vii) Issuance of a written reprimand.

7

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

11

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

15

16 (ii) Has practiced fraud or misrepresentation:

17

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

21

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

24

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

3

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

7

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

14

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

20

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

23

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

7

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

12

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

1

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

6

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

12

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

20

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

1

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

4

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

14

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

16

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

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

5

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

7

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

12

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

23

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

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

15

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

17

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

1

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

3

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

6

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

12

13 (ii) Any other legally recognized profession;

14

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

19

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

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

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

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

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

24

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

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

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

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

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

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

3

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

8

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

12

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

16

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

19

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

24

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

8
9 (xii) Engages in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public;

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

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

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

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

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

6

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

9

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

13

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

16

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

19

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

22

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

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

3

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

11

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

20

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

1

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

8

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

10

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

16

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

20

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

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

14

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

17

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

20

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

23

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

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

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

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

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

3

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

7

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

13

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

19

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

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

3

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

5

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

11

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

13

14 (a) As used in this act:

15

16 (v) "Professional services" means:

17

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

21

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

23

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

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

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

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

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

6

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

10

11 (b) The plat shall:

12

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

22

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

1

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

8

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

10

11 (a) The county clerk shall:

12

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

16

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

18

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

23

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

14

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

19

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

22

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

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

6
7 **24-2-110. Cooperation with counties in construction**
8 **of county roads; allocation of costs; state-county road**
9 **construction account established.**

10
11 (f) There is created a Wyoming county road standards
12 committee appointed by the governor consisting of:

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

17
18 **30-5-108. State oil and gas supervisor; appointment;**
19 **duties; authority of commission to appoint other employees;**
20 **payment of traveling and living expenses.**

21
22 To enable the commission to carry out its duties and powers
23 under the laws of this state with respect to conservation
24 of oil and gas, and to enforce the rules and regulations so

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

24

1 **33-4-117. Exemptions.**

2

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

4

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

10

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

12

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

16

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

22

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

4

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

6

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

12

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

14

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

20

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

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

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

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

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

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

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

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

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

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

11

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

15

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

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

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

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

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

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

22
23 (END)