

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

AN ACT relating to surveyors and engineers; repealing and recreating statutes governing engineering and land surveying; modifying definitions, provisions relating to the licensing board, licensing requirements, discipline and the practice of professional engineering and the practice of professional land surveying; making conforming amendments; providing rulemaking authority; renumbering and amending statutes relating to corners; and providing for an effective date.

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

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

CHAPTER 29  
SURVEYORS AND ENGINEERS

ARTICLE 2  
GENERAL PROVISIONS

**33-29-201. Definitions.**

(a) As used in this act:

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

(E) Performs research investigations as a professional engineer;

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

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

(viii) "Practice of professional land surveying" means performing for others or offering to perform for others "professional services" which involve the application of special knowledge or principles of mathematics and methods of measurement for the determination and preservation of land boundaries and for the determination of land features and forms. An individual performs a "professional service" in the practice of professional land surveying if he:

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

(xi) "Responsible charge" means the exercise of direct control or the personal supervision of engineering work by a professional engineer or surveying work by a professional land surveyor;

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

ARTICLE 3  
WYOMING BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL  
LAND SURVEYORS

**33-29-301. Creation of board.**

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

(i) The state engineer;

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

(b) Professional engineer members shall have engaged in the practice of engineering as licensed professional engineers for at least twelve (12) years and shall have been in responsible charge for at least five (5) years.

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

(ii) Promulgate rules and regulations necessary to regulate the practice of professional engineering and professional land surveying, including qualifications for intern certificates and professional licenses, professional conduct, continuing education, discipline and license status categories;

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

(vii) Appoint advisory committees comprised of persons who may or may not be members of the board to undertake tasks assigned by the board. The board may reimburse committee members for reasonable incidental expenses incurred in the conduct of board business;

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

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

(x) Use electronic transmissions.

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

All fees and other revenues received by the board shall be deposited by the state treasurer to the credit of the Wyoming board of professional engineers and professional land surveyors account. All monies in the account may be appropriated for the use of the board. The account shall be used by the board to defray costs incurred in the administration of this act. Disbursements from the account shall not exceed the monies credited to it.



ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

(i) Letters of inquiry and reference concerning applicants;

(ii) Completed applications and verification and inquiry forms;

(iii) Transcripts of educational institutions;

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

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

ARTICLE 4  
LICENSE REQUIREMENTS

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

(i) Is of good moral character and repute;

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

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

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

(i) Is of good moral character and repute;

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

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

(A) Has graduated from a curriculum approved by the board of at least four (4) years that contains at least thirty (30) semester credit hours in surveying approved by the board; or

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

(i) Is of good moral character and repute;

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

(i) Is of good moral character and repute;

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

(iii) Has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer.

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

(i) Is of good moral character and repute;

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

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

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

(d) The board may by rule and regulation modify the requirements of this section as they relate to the licensure of a member of the faculty of the University of Wyoming teaching upper division engineering or land surveying courses.

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

**33-29-405. Fees.**

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

(iii) The applicant:

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

(B) Meets requirements established by the national council of examiners for engineering and surveying or its successor organization that the board has determined are equivalent to the requirements for a professional license in Wyoming.

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

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

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

ARTICLE 5  
LICENSE RENEWAL

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

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

ARTICLE 6  
PRACTICE OF PROFESSIONAL ENGINEERING AND PROFESSIONAL LAND  
SURVEYING

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

(e) A licensee shall not:

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

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

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

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

(a) Professional engineers and professional land surveyors may practice professional engineering or



ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

professional land surveying through a business entity provided:

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

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

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

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

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

(iv) All personnel of the business entity who act on its behalf as engineers or land surveyors in this state shall be licensed professional engineers or licensed professional land surveyors or shall be exempted from the license requirement under W.S. 33-29-604(a)(iii). No business entity shall be relieved of responsibility for the conduct or acts of its employees, officers or agents by reason of its compliance with this act. Nor shall any individual engaged in engineering or land surveying be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with a business entity.

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

(ii) An officer or employee of the state of Wyoming performing regulatory reviews within the scope of his authority and employment provided the officer or employee shall not represent himself to be a licensed professional engineer or licensed professional surveyor unless he is so licensed and except when filing water right petitions with the state of Wyoming as provided in title 41 of the Wyoming statutes;

(iii) An individual working for a business entity or licensee provided a licensee exercises responsible

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

charge over all final designs, drawings, maps, plats and plans filed under W.S. 33-29-801;

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

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

(vi) An irrigation company or employee of an irrigation company when determining elevations and distances necessary to market equipment.

ARTICLE 7  
PROHIBITED ACTS AND DISCIPLINARY PROCEDURES

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

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

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

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

(iii) Impose probation;

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

(v) Impose peer review;

(vi) Require continuing education;

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

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

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

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

**33-29-703. Disciplinary proceedings.**

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

(a) In addition to any disciplinary action taken with respect to a license, intern certificate or business entity registration, the board may impose a civil penalty upon any person who violates this act or a rule or order of the board. The penalty may be up to two thousand dollars (\$2,000.00) for each violation and may include the board's costs and expenses for the investigation and prosecution and reasonable attorney's fees.

(b) The board shall notify the person accused of a violation in writing of the nature of the alleged violation. Upon receipt of a notice of violation the person receiving it shall pay the assessed civil penalty to the board within sixty (60) days or file an appeal to the board. The appeal shall be conducted as a contested case

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the board.

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

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

Any person who violates any provision of this act is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment of not more than one (1) year, or both. Each violation shall constitute a separate offense.

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

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

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

ARTICLE 8  
FILING AND RECORDING

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

(ii) Hardcopy originals shall be drawn in either waterproof black ink or acetate ink or shall be an acceptable photographic or other kind of reproduction on good quality polyester base drafting film in a minimum thickness of four-thousandths (.004) inch or as otherwise required by the receiving entity;

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

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

(b) The requirement in paragraph (a)(i) of this section that all maps, plans, plats and designs be made by



ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

or under the responsible charge of a professional engineer or professional land surveyor shall not apply to applications which meet the provisions of this subsection and comply with subsections (c) and (d) of this section and which are filed in the state engineer's office:

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

(a) As used in this act:

(v) "Professional services" means:

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

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

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

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

(a) The county clerk shall:

(xxiv) File maps as defined in W.S. ~~33-29-139~~ 33-29-801. The county clerk shall charge a fee of twenty-five dollars (\$25.00) for filing the maps.

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

(iv) ~~Qualified~~Professional engineers and land surveyors, ~~registered~~licensed by the board of ~~registration~~for professional engineers and professional land surveyors pursuant to W.S. ~~33-29-114 through 33-29-139~~33-29-201 through 33-29-801 are exempt from the registration provisions of this act, providing, that no name, title, or words are used which tend to convey the impression that a nonregistered individual is offering to perform services as a professional geologist;

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

This act shall not be construed as repealing or amending any law affecting or regulating licensed professional engineers and professional land surveyors pursuant to the provisions of W.S. ~~33-29-114 through 33-29-139~~33-29-201 through 33-29-801, nor shall this act be construed to affect or prevent the practice of any other legally recognized profession by the members of the profession licensed by the state or under its authority.

**Section 3.** W.S. 33-29-140 through 33-29-143 as 33-29-901 through 33-29-904 and 33-29-146 through 33-29-148 as 33-2-907 through 33-29-909 are amended and renumbered to read:

ARTICLE 9  
CORNER PERPETUATION AND FILING ACT

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

(iv) A "corner," unless otherwise qualified, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these;

(v) An "accessory to a corner" is any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects;

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk



ORIGINAL SENATE  
FILE NO. 0018

ENROLLED ACT NO. 10, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION