

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Professional engineers and surveyors practice act.

Sponsored by: Senator(s) Johnson

A BILL

for

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

9

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

11

12 **Section 1.** W.S. 33-29-201 through 33-29-801 are
13 created to read:

14

1

CHAPTER 29

2

SURVEYORS AND ENGINEERS

3

4

ARTICLE 2

5

GENERAL PROVISIONS

6

7

33-29-201. Definitions.

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(a) As used in this act:

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(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;

(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;

1

2

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

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6

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

7

8

(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 is deemed to engage in the practice of professional engineering if he:

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(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;

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

3

4 (D) Teaches upper division engineering
5 design subjects at a college or university;

6

7 (E) Performs professional engineering
8 research investigations;

9

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

12

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

16

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

1 engage in the practice of professional land surveying if
2 he:

3

4 (A) Makes geometric measurements and
5 gathers related information pertaining to the physical or
6 legal features of the earth, improvements on the earth and
7 the space above, on or below the earth;

8

9 (B) Teaches upper division university level
10 land surveying design subjects;

11

12 (C) Performs professional land surveying
13 research investigations;

14

15 (D) Creates work product relating to land
16 surveying such as graphics, data, maps, plans, reports and
17 descriptions;

18

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

22

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

3

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

7

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

14

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

21

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

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

3

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

6

7

ARTICLE 3

8

WYOMING BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL

9

LAND SURVEYORS

10

33-29-301. Creation of board.

12

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

21

22 (i) The state engineer;

23

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

4

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

7

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

10

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

13

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

15

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

21

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

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

3

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

9

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

11

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

22

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

1

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

4

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

9

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

11

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

15

16 **33-29-305. Powers of board.**

17

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

20

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

23

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

7

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

11

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

16

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

19

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

23

1 personal benefit which minimally benefits the public.
 2 Generally speaking, more than an incidental benefit to the
 3 public is required for the expenditure of public funds.

4 *****
 5

6 (x) Use electronic transmissions.

7

8 **33-29-306. Professional engineers and professional**
 9 **land surveyors account.**

10

11 All fees and other revenues received by the board shall be
 12 deposited by the state treasurer to the credit of the
 13 Wyoming board of professional engineers and professional
 14 land surveyors account. All monies in the account are
 15 continuously appropriated for the use of the board. The
 16 account shall be used by the board to defray costs incurred
 17 in the administration of this act. Disbursements from the
 18 account shall not exceed the monies credited to it.

19

20 **33-29-307. Immunity from personal liability.**

21

22 Any person reporting information to the board under oath
 23 and members, agents, investigators and employees of the
 24 board are immune from personal liability with respect to

1 acts done and actions taken in good faith without fraud or
2 malice.

3

4 **33-29-308. Confidentiality of records.**

5

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

8

9 (i) Letters of inquiry and reference concerning
10 applicants;

11

12 (ii) Completed applications and verification and
13 inquiry forms;

14

15 (iii) Transcripts of educational institutions;

16

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

19

20 (iv) Files relating to complaints and
21 investigations until a formal hearing is concluded or until
22 final disciplinary action is taken if no hearing is

1 commenced. This paragraph does not prevent use of the
2 board files in a hearing.

3

4

ARTICLE 4

5

LICENSE REQUIREMENTS

6

7

33-29-401. Professional license required.

8

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

13

14

33-29-402. Requirements for intern certificate.

15

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

19

20

(i) Is of good moral character and repute;

21

22

23

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

1

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

4

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

8

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

10

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

13

14 (iii) Has graduated from a surveying curriculum
15 approved by the board of at least two (2) years; and

16

17 (iv) Has at least thirty (30) semester credit
18 hours in surveying approved by the board. The hours may be
19 part of the curriculum in paragraph (iii) of this
20 subsection or in addition to the curriculum.

21

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

4

5 **33-29-403. Requirements for professional license.**

6

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

11

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

13

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

16

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

22

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

5

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

7

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

12

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

17

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

21

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

23

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

3

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

6

7 (iv) Has four (4) years of land surveying
8 experience in increasing responsibility and scope of a
9 grade and character that evidence the applicant is
10 competent to practice as a professional land surveyor.

11

12 **33-29-404. Application for license.**

13

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

17

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

22

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

5

6 **33-29-405. Fees.**

7

8 The board shall establish fees in accordance with W.S. 33-
9 1-201 as necessary to provide for the administration of
10 this act, including license application fees and fees for
11 services provided by the board. Application fees shall
12 accompany the application. Application fees are
13 nonrefundable.

14

15 **33-29-406. License on the basis of comity.**

16

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

21

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

1

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

6

7 (iii) The applicant:

8

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

13

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

19

20 (b) An applicant who holds a license issued by another
21 jurisdiction to practice professional engineering or
22 professional land surveying, and who has held the license
23 for fifteen (15) years immediately prior to submitting the

1 application, may be issued a professional license provided
2 the applicant:

3

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

6

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

10

11

ARTICLE 5

12

LICENSE RENEWAL

13

14 **33-29-501. Renewal of licenses.**

15

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

19

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

1

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

5

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

10

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

14

15 **33-29-502. Continuity of current licenses.**

16

17 Any individual holding a certificate of registration in
18 this state that is valid and active on July 1, 2012, shall
19 be deemed to be licensed under this act.

20

21

ARTICLE 6

22

PRACTICE OF PROFESSIONAL ENGINEERING AND PROFESSIONAL LAND

23

SURVEYING

1

2 **33-29-601. Professional seal.**

3

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

6

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

9

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

14

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

17

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

20

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

23

1 (e) A licensee shall not:

2

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

4

5 (ii) Use his seal when his license has expired,

6 is inactive or has been revoked or suspended.

7

8 (f) An individual who is not licensed shall not use

9 the seal of a licensee.

10

11 **33-29-602. Practice through business entities;**

12 **registration.**

13

14 (a) Professional engineers and professional land

15 surveyors may practice professional engineering or

16 professional land surveying through a business entity

17 provided:

18

19 (i) The business entity has registered with the

20 board;

21

22 (ii) The business entity has submitted the

23 following to the board:

1

2 (A) A description of the engineering or

3 land surveying services to be practiced in the state; and

4

5 (B) A designation of an individual or

6 individuals in responsible charge. A change in the

7 individual or individuals in responsible charge shall be

8 filed with the board within thirty (30) days of the change.

9

10 (iii) All final maps, plats, plans, designs and

11 other documents filed or recorded under W.S. 33-29-801

12 shall be dated and bear the signature and seal of a

13 professional engineer or professional land surveyor in

14 responsible charge of the work; and

15

16 (iv) All personnel of the business entity who

17 act on its behalf as engineers or land surveyors in this

18 state shall be licensed professional engineers or licensed

19 professional land surveyors or shall be exempted from the

20 license requirement under W.S. 33-29-604(a)(iii). No

21 business entity shall be relieved of responsibility for the

22 conduct or acts of its employees, officers or agents by

23 reason of its compliance with this act. Nor shall any

1 individual engaged in engineering or land surveying be
2 relieved of responsibility for engineering or land
3 surveying services performed by reason of his employment or
4 relationship with a business entity.

5

6 **33-29-603. Public works.**

7

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

15

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

21

22 **33-29-604. Exemptions and limitations.**

23

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

2

3 (i) An officer or employee of the United States
4 practicing within the scope of his authority and
5 employment. The exemption under this paragraph shall not be
6 applicable when filing water rights or water right
7 petitions with the state of Wyoming as provided in title 41
8 of the Wyoming statutes;

9

10 (ii) An officer or employee of the state of
11 Wyoming performing agency reviews within the scope of his
12 authority and employment. The exemption under this
13 paragraph shall not be applicable when filing water rights
14 or water right petitions with the state of Wyoming as
15 provided in title 41 of the Wyoming statutes;

16

17 (iii) An individual working for a business entity
18 or licensee provided a licensee exercises responsible
19 charge over all final designs, drawings, inspections, maps,
20 plats and plans filed under W.S. 33-29-801; or

21

22 (iv) A utility company or telecommunications
23 company regulated by the Wyoming public service commission

1 or the company's employees practicing within the scope of
2 their employment and authority.

3

4

ARTICLE 7

5

PROHIBITED ACTS AND DISCIPLINARY PROCEDURES

6

7

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

8

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

11

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

14

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

18

19 (iii) Impose probation;

20

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

23

1 (v) Impose peer review;

2

3 (vi) Require continuing education;

4

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

7

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

10

11 **33-29-702. Grounds for disciplinary action.**

12

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

15

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

18

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

23

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

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

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

11
12 (vi) Conviction of a felony that is related to
13 the ability to practice engineering or land surveying or
14 that involves dishonesty or evidences lack of good moral
15 character;

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

22
23 **33-29-703. Disciplinary proceedings.**

1

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

5

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

9

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

12

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

19

20 **33-29-704. Judicial review.**

21

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

4

5 **33-29-705. Reinstatement.**

6

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

12

13 **33-29-706. Court ordered suspension of license.**

14

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

23

1 **33-29-707. Civil penalties.**

2

3 (a) In addition to any disciplinary action taken with
4 respect to a license, intern certificate or business entity
5 registration, the board may impose a civil penalty upon any
6 person who violates this act or a rule or order of the
7 board. The penalty may be up to two thousand dollars
8 (\$2,000.00) for each violation and may include the board's
9 costs and expenses for the investigation and prosecution
10 and reasonable attorney's fees.

11

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

20

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

23

1 **33-29-708. Criminal penalties.**

2

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

8

9 **33-29-709. Injunctions; enforcement of subpoenas.**

10

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

19

20 (b) In case of refusal to obey a subpoena served by
21 the board upon any person, the district court for any
22 county in which the person is found or resides or transacts
23 business, upon application by the board, may issue an order

1 requiring the person to appear and give testimony or to
2 appear and produce documents or both. Any failure to obey
3 the order of the court may be punished by the court as
4 contempt.

5

6

ARTICLE 8

7

FILING AND RECORDING

8

9 **33-29-801. Maps, plats, plans and designs for filing**
10 **or recording to be certified by professional engineer or**
11 **professional land surveyor; exception; size of maps.**

12

13 (a) All maps, plats, plans, designs and all other
14 documents required to be filed or recorded in the state
15 engineer's office, the office of state lands and
16 investments, all county clerks' offices, all city or town
17 offices, or any other office of public record in the state
18 of Wyoming, shall comply with the following requirements:

19

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

1

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

8

9 (iii) Maps formatted as required by the
10 receiving entity may be submitted in electronic form as
11 provided by the Uniform Electronic Transactions Act, W.S.
12 40-21-101 through 40-21-119;

13

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

16

17 (b) The requirement in paragraph (a)(i) of this
18 section that all maps, plans, plats and designs be made by
19 or under the responsible charge of a professional engineer
20 or professional land surveyor shall not apply to
21 applications which comply with subsections (c) and (d) of
22 this section and which are filed in the state engineer's
23 office:

1

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

6

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

9

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

15

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

1 photographs or United States geological survey quadrangle
2 maps and a description of:

3

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

7

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

10

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

13

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

17

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

21

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

4

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

9

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

12

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

16

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

18

19 (a) As used in this act:

20

21 (v) "Professional services" means:

22

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

5

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

8

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

15

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

17

18 (a) The county clerk shall:

19

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

23

1 **33-41-117. Exemptions.**

2

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

8

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

18

19 **33-41-121. Applicability.**

20

21 This act shall not be construed as repealing or amending
22 any law affecting or regulating licensed professional
23 engineers and professional land surveyors pursuant to the

1 provisions of ~~W.S. 33-29-114 through 33-29-139~~ W.S.
2 33-29-201 through 33-29-801, nor shall this act be
3 construed to affect or prevent the practice of any other
4 legally recognized profession by the members of the
5 profession licensed by the state or under its authority.

6

7 **Section 3.** W.S. 33-29-140 through 33-29-143 as
8 33-29-901 through 33-29-904 and 33-29-146 through 33-29-148
9 as 33-2-907 through 33-29-909 are amended and renumbered to
10 read:

11

12 ARTICLE 9

13 CORNER PERPETUATION AND FILING ACT

14

15 ~~33-29-140.~~ **33-29-901. Short title.**

16

17 ~~W.S. 33-29-140 through 33-29-149~~ W.S. 33-29-901 through
18 33-29-910 may be cited as the "Corner Perpetuation and
19 Filing Act".

20

21 ~~33-29-141.~~ **33-29-902. Definitions.**

22

1 (a) Except where the context indicates a different
2 meaning, terms used in ~~W.S. 33-29-140 through 33-29-149~~W.S.
3 33-29-901 through 33-29-910 shall be defined as follows:
4

5 (i) A "property corner" is a geographic point on
6 the surface of the earth, and is on, a part of, and
7 controls a property line;
8

9 (ii) A "property controlling corner" for a
10 property is a public land survey corner₇ or any property
11 corner₇ which does not lie on a property line of the
12 property in question, but which controls the location of
13 one (1) or more of the property corners of the property in
14 question;
15

16 (iii) A "public land survey corner" is any
17 corner actually established and monumented in an original
18 survey or resurvey used as a basis of legal description for
19 issuing a patent for the land to a private person from the
20 United States government;
21

22 (iv) A "corner₇" unless otherwise qualified,
23 means a property corner, or a property controlling corner,

1 or a public land survey corner, or any combination of
2 these;

3

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

10

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

13

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

19

20 (viii) A "~~registered~~professional land surveyor"
21 is a surveyor who is ~~registered~~licensed to practice
22 professional land surveying under ~~W.S. 33-29-114~~ through

1 ~~33-29-139,~~ W.S. 33-29-201 through 33-29-801, and has a
2 current ~~certificate~~ license for that calendar year;

3

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

7

8 ~~33-29-142.~~ **33-29-903. Completion of "corner file".**

9

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

22

23 ~~33-29-143.~~ **33-29-904. Filing of corner reference.**

1

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

5

6 ~~33-29-146.~~ 33-29-907. Reconstruction or rehabilitation
7 of monument.

8

9 In every case where a corner record of a public land
10 survey corner is required to be filed under the provisions
11 of ~~W.S. 33-29-140 through 33-29-149,~~ W.S. 33-29-901 through
12 33-29-910, the professional land surveyor must reconstruct
13 or rehabilitate the monument of such corner, and
14 accessories to such corner, so that the same shall be left
15 by him in such physical condition that it remains as
16 permanent a monument as is reasonably possible and so that
17 the same may be reasonably expected to be located with
18 facility at all times in the future.

19

20 ~~33-29-147.~~ 33-29-908. Signature on corner record
21 required.

22

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

6
7 ~~33-29-148.~~33-29-909. Previously existing corners.

8
9 Corner records may be filed concerning corners
10 established, reestablished or restored before the effective
11 date of ~~W.S. 33-29-140 through 33-29-149.~~W.S. 33-29-901
12 through 33-29-910.

13
14 **Section 4.** W.S. 33-29-144 and 33-29-145 as 33-29-905
15 and 33-29-906 and 33-29-149 as 33-29-910 are renumbered to
16 read:

17
18 ~~33-29-144.~~33-29-905. Information to be included in
19 corner file; form.

20
21 The board shall by regulation provide and prescribe
22 the information which shall be necessary to be included in

1 the corner file and the board shall prescribe the form in
2 which the corner record shall be presented and filed.

3

4 ~~33-29-145.~~ **33-29-906. Preservation of map records;**
5 **public inspection.**

6

7 (a) The county clerk of the county containing the
8 corners, as part of his files, shall have on record maps of
9 each township within the county, the bearings and lengths
10 of the connecting lines to government corners and
11 government corners looked for and not found. These records
12 shall be preserved in hardbound books in numerical order as
13 filed.

14

15 (b) The county clerk shall make these records
16 available for public inspection during all usual office
17 hours.

18

19 (c) The filing fee for each corner record or
20 certificate is one dollar (\$1.00) as provided in W.S. 18-3-
21 402(a)(xvi)(Q) and each record or certificate shall apply
22 to only one (1) corner.

23

1 ~~33-29-149.~~33-29-910. **Exemption from filing fees.**

2

3 All filings relative to official cadastral surveys of
4 the bureau of land management of the United States of
5 America performed by authorized personnel shall be exempt
6 from filing fees.

7

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

10

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

