

SENATE FILE NO. SF0048

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; renumbering and amending statutes relating to  
 8 corners; and providing for an effective date.

9

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

11

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

16

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CHAPTER 29

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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;

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

3

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

6

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

14

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

18

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

21

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

24

1 (D) Teaches upper division engineering  
2 design subjects at a college or university;

3

4 (E) Performs professional engineering  
5 research investigations;

6

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

9

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

13

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

23

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

5

6                   (B) Teaches upper division university level  
7 land surveying design subjects;

8

9                   (C) Performs professional land surveying  
10 research investigations;

11

12                   (D) Creates work product relating to land  
13 surveying such as graphics, data, maps, plans, reports and  
14 descriptions;

15

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

19

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

22

1                   (G) Holds himself out as able to perform or  
2 does perform any service defined by board rule as  
3 professional land surveying.

4

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

11

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

18

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

23

1           (xii) "This act" means W.S. 33-29-201 through  
2 33-29-801.

3

4

### ARTICLE 3

5

## WYOMING BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL

6

## LAND SURVEYORS

7

8

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

9

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

18

19

(i) The state engineer;

20

21

22

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

23  
24

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

3

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

6

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

9

10           **33-29-302. Qualifications of board members.**

11

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

17

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

22

23           (c) Professional land surveyor members shall have been  
24 engaged in the practice of land surveying as licensed



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

4

5 **33-29-303. Compensation of board members.**

6

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

17

18 **33-29-304. Organization of board.**

19

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

22

23 (b) The board shall elect the following officers  
24 biennially to serve not more than two (2) consecutive

1 terms: a chairperson, a vice chairperson and a secretary-  
2 treasurer.

3

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

5

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

9

10 **33-29-305. Powers of board.**

11

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

14

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

17

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

24

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

4  
5           (iv) Use investigators, the office of the  
6 attorney general and consultants to investigate and  
7 evaluate possible violations of this act or the board's  
8 rules;

9  
10           (v) Adopt an official seal for the board and  
11 adopt a professional seal for the use of licensees;

12  
13           (vi) Employ a board administrator and such  
14 additional staff as necessary to administer and enforce  
15 this act and board rules;

16  
17           (vii) Appoint advisory committees comprised of  
18 persons who may or may not be members of the board to  
19 undertake tasks assigned by the board. The board may  
20 reimburse committee members for reasonable incidental  
21 expenses incurred in the conduct of board business;

22  
23           (viii) Establish and collect fees pursuant to  
24 W.S. 33-1-201. All fees collected by the board shall be

1 deposited by the state treasurer to the credit of the  
2 Wyoming board of professional engineers and professional  
3 land surveyors account;

4

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

8

9 (x) Use electronic transmissions.

10

11 **33-29-306. Professional engineers and professional**  
12 **land surveyors account.**

13

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

22

23 **33-29-307. Immunity from personal liability.**

24

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

6

7 **33-29-308. Confidentiality of records.**

8

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

11

12 (i) Letters of inquiry and reference concerning  
13 applicants;

14

15 (ii) Completed applications and verification and  
16 inquiry forms;

17

18 (iii) Transcripts of educational institutions;

19

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

22

23 (iv) Files relating to complaints and  
24 investigations until a formal hearing is concluded or until

1 final disciplinary action is taken if no hearing is  
2 commenced. This paragraph does not prevent use of the  
3 board files in a hearing.

4

5

#### ARTICLE 4

6

#### LICENSE REQUIREMENTS

7

8

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

9

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

14

15

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

16

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18

19

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

20

21

(i) Is of good moral character and repute;

22

23

24

(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

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

1

2           **33-29-403. Requirements for professional license.**

3

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

8

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

10

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

13

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

19

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

24



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

2

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

7

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

12

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

16

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

18

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

21

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

24

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

5

6           **33-29-404. Application for license.**

7

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

11

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

16

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

21

22           **33-29-405. Fees.**

23

1 The board shall establish fees in accordance with W.S.  
2 33-1-201 as necessary to provide for the administration of  
3 this act, including license application fees and fees for  
4 services provided by the board. Application fees shall  
5 accompany the application. Application fees are  
6 nonrefundable.

7

8 **33-29-406. License on the basis of comity.**

9

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

14

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

17

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

22

23 (iii) The applicant:

24

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

5  
6                   (B) Meets requirements established by the  
7 national council of examiners for engineering and surveying  
8 or its successor organization that the board has determined  
9 are equivalent to the requirements for a professional  
10 license in Wyoming.

11

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

18

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

21

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

1

2

## ARTICLE 5

3

## LICENSE RENEWAL

4

5

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

6

7

(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.

10

11

(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.

15

16

(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.

19

20

(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.

24



1 surveys, reports, plats, drawings and plans filed or  
2 recorded pursuant to W.S. 33-29-801.

3

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

6

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

9

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

12

13 (e) A licensee shall not:

14

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

16

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

19

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

22

23 **33-29-602. Practice through business entities;**  
24 **registration.**

1

2 (a) Professional engineers and professional land  
3 surveyors may practice professional engineering or  
4 professional land surveying through a business entity  
5 provided:

6

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

9

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

12

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

15

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

20

21 (iii) All final maps, plats, plans, designs and  
22 other documents filed or recorded under W.S. 33-29-801  
23 shall be dated and bear the signature and seal of a



1 professional engineer or professional land surveyor in  
2 responsible charge of the work; and

3

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

16

17 **33-29-603. Public works.**

18

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

1 be executed under the direct supervision of a professional  
2 engineer.

3

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

9

10 **33-29-604. Exemptions and limitations.**

11

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

13

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

17

18 (ii) An officer or employee of the state of  
19 Wyoming performing agency reviews within the scope of his  
20 authority and employment. The exemption under this  
21 paragraph shall not be applicable when filing water rights  
22 or water right petitions with the state of Wyoming as  
23 provided in title 41 of the Wyoming statutes;

24



1

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

4

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

7

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

11

12 (iii) Impose probation;

13

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

16

17 (v) Impose peer review;

18

19 (vi) Require continuing education;

20

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

23

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

3

4           **33-29-702. Grounds for disciplinary action.**

5

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

8

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

11

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

16

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

19

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

23

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

4  
5           (vi) Conviction of a felony that is related to  
6 the ability to practice engineering or land surveying;

7  
8           (vii) Discipline or restriction of a license,  
9 intern certificate or business entity registration by  
10 another jurisdiction if the ground for the action was the  
11 same or substantially equivalent to a ground for discipline  
12 in this section.

13  
14           **33-29-703. Disciplinary proceedings.**

15  
16           (a) Any final disciplinary action shall be preceded by  
17 notice and an opportunity for a hearing. Hearings shall be  
18 conducted as a contested case.

19  
20           (b) The board may conduct investigations and issue  
21 subpoenas for the attendance of witnesses and the  
22 production of evidence.

23

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

3

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

10

11           **33-29-704. Judicial review.**

12

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

16

17           **33-29-705. Reinstatement.**

18

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

24

1           **33-29-706. Court ordered suspension of license.**

2

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

11

12           **33-29-707. Civil penalties.**

13

14           (a) In addition to any disciplinary action taken with  
15   respect to a license, intern certificate or business entity  
16   registration, the board may impose a civil penalty upon any  
17   person who violates this act or a rule or order of the  
18   board. The penalty may be up to two thousand dollars  
19   (\$2,000.00) for each violation and may include the board's  
20   costs and expenses for the investigation and prosecution  
21   and reasonable attorney's fees.

22

23           (b) The board shall notify the person accused of a  
24   violation in writing of the nature of the alleged



1 violation. Upon receipt of a notice of violation the  
2 person receiving it shall pay the assessed civil penalty to  
3 the board within sixty (60) days or file an appeal to the  
4 board. The appeal shall be conducted as a contested case  
5 before a hearing examiner of the office of administrative  
6 hearings, who shall recommend a decision to the board.

7

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

10

11 **33-29-708. Criminal penalties.**

12

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

18

19 **33-29-709. Injunctions; enforcement of subpoenas.**

20

21 (a) In addition to the discipline and penalties in  
22 W.S. 33-29-701, 33-29-707 and 33-29-708, the board may seek  
23 an injunction in the district court to enjoin any person  
24 from violating this act or the board's rules or orders.

1 The board is authorized to apply for injunctive relief  
2 without bond. It shall not be necessary to allege or prove  
3 an adequate remedy at law does not exist or irreparable  
4 harm would result from the continued violation of this act.

5

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

14

15

#### ARTICLE 8

16

#### FILING AND RECORDING

17

18 **33-29-801. Maps, plats, plans and designs for filing**  
19 **or recording to be certified by professional engineer or**  
20 **professional land surveyor; exception; size of maps.**

21

22 (a) All maps, plats, plans, designs and all other  
23 engineering and surveying documents required to be filed or  
24 recorded in the office of state lands and investments, all

1 county clerks' offices, all city or town offices, or any  
2 other office of public record in the state of Wyoming,  
3 shall comply with the following requirements:

4

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

9

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

16

17 (iii) Maps formatted as required by the  
18 receiving entity may be submitted in electronic form as  
19 provided by the Uniform Electronic Transactions Act, W.S.  
20 40-21-101 through 40-21-119;

21

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

24

1           (b) All maps, plats, plans, designs and all other  
2 engineering and surveying documents required to be filed  
3 for applications to the state engineer's office may comply  
4 with subsections (c) and (d) of this section as provided by  
5 rule and regulation of the state engineer's office. In  
6 adopting rules and regulations the state engineer shall  
7 require such information as necessary to protect the public  
8 safety based upon the size of the project, including but  
9 not limited to the height, area and capacity of the  
10 impoundment.

11

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

21

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

1

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

4

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

7

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

11

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

15

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

19

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

24

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

3

4 **Section 2.** W.S. 9-2-1028(a)(v)(B), 15-1-418(b),  
5 18-3-402(a)(xxiv), 33-41-117(a)(iv) and 33-41-121 are  
6 amended to read:

7

8 **9-2-1028. Definitions.**

9

10 (a) As used in this act:

11

12 (v) "Professional services" means:

13

14 (B) The practice of professional  
15 engineering or professional land surveying pursuant to W.S.  
16 ~~33-29-114 through 33-29-149~~ 33-29-201 through 33-29-801.

17

18 **15-1-418. Annexing contiguous cities or towns;**  
19 **annexation ordinance; filing.**

20

21 (b) A certified copy of the annexation ordinance  
22 including a legal description of the area and the map  
23 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance  
24 with W.S. ~~33-29-139~~ 33-29-801 shall be filed with the

1 county clerk of the county in which the action has taken  
2 place.

3

4 **18-3-402. Duties generally.**

5

6 (a) The county clerk shall:

7

8 (xxiv) File maps as defined in W.S. ~~33-29-139~~  
9 33-29-801. The county clerk shall charge a fee of twenty-  
10 five dollars (\$25.00) for filing the maps.

11

12 **33-41-117. Exemptions.**

13

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

19

20 (iv) ~~Qualified~~Professional engineers and land  
21 surveyors, ~~registered~~licensed by the board of ~~registration~~  
22 ~~for~~ professional engineers and professional land surveyors  
23 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-201  
24 through 33-29-801 are exempt from the registration

1 provisions of this act, providing, that no name, title, or  
2 words are used which tend to convey the impression that a  
3 nonregistered individual is offering to perform services  
4 as a professional geologist;

5

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

7

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

16

17 **Section 3.** W.S. 33-29-140 through 33-29-143 as  
18 33-29-901 through 33-29-904 and 33-29-146 through 33-29-148  
19 as 33-2-907 through 33-29-909 are amended and renumbered to  
20 read:

21

22

ARTICLE 9

23

CORNER PERPETUATION AND FILING ACT

24



1           ~~33-29-140~~ 33-29-901.   **Short title.**

2

3   W.S.   ~~33-29-140 through 33-29-149~~ 33-29-901 through  
4 33-29-910 may be cited as the "Corner Perpetuation and  
5 Filing Act".

6

7           ~~33-29-141~~ 33-29-902.   **Definitions.**

8

9           (a) Except where the context indicates a different  
10 meaning, terms used in W.S. ~~33-29-140 through 33-29-149~~  
11 33-29-901 through 33-29-910 shall be defined as follows:

12

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

16

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

23

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

6

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

11

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

18

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

21

22           (vii) A "reference monument" is a special  
23 monument that does not occupy the same geographical  
24 position as the corner itself, but whose spatial

1 relationship to the corner is recorded and which serves to  
2 witness the corner;

3

4 (viii) A "~~registered~~ professional land surveyor"  
5 is a surveyor who is ~~registered~~ licensed to practice  
6 professional land surveying under W.S. ~~33-29-114 through~~  
7 ~~33-29-139~~ 33-29-201 through 33-29-801, and has a current  
8 ~~certificate~~ license for that calendar year;

9

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

13

14 ~~33-29-142~~ 33-29-903. Completion of "corner file".

15

16 A professional land surveyor shall complete, sign, and file  
17 with the county clerk where the corner is situated, a  
18 written record of corner establishment or restoration to be  
19 known as a "corner file" for every public land survey  
20 corner and accessory to such corner which is established,  
21 reestablished, monumented, remonumented, restored,  
22 rehabilitated, perpetuated or used as control in any survey  
23 by such surveyor, and within ninety (90) days thereafter,  
24 unless the corner and its accessories are substantially as

1 described in an existing corner record filed in accordance  
2 with the provisions of W.S. ~~33-29-140 through 33-29-149~~  
3 33-29-901 through 33-29-910.

4

5 ~~33-29-143~~ 33-29-904. **Filing of corner reference.**

6

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

10

11 ~~33-29-146~~ 33-29-907. **Reconstruction or rehabilitation**  
12 **of monument.**

13

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

24

1           ~~33-29-147~~ 33-29-908.   Signature   on   corner   record  
2   required.

3

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

9

10           ~~33-29-148~~ 33-29-909.   Previously existing corners.

11

12   Corner records may be filed concerning corners established,  
13   reestablished or restored before the effective date of W.S.  
14   ~~33-29-140 through 33-29-149~~ 33-29-901 through 33-29-910.

15

16           **Section 4.**   W.S. 33-29-144 and 33-29-145 is renumbered  
17   as 33-29-905 and 33-29-906 and 33-29-149 is renumbered as  
18   33-29-910.

19

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

22

23           **Section 6.**   Notwithstanding W.S. 33-29-301, the  
24   initial terms of the two (2) additional members of the

1 Wyoming board of professional engineers and professional  
2 land surveyors appointed pursuant to this act, and the  
3 first terms of other board members appointed after the  
4 effective date of this act, shall be for a number of years  
5 which allows for staggered terms of all appointed board  
6 members, with two (2) appointed members' terms expiring  
7 each year. Thereafter all board members' terms shall be  
8 for four (4) years.

9

10       **Section 7.** This act is effective July 1, 2012.

11

12

(END)