

CHAPTER 391.

COMPENSATION OF EXECUTORS, ETC., IN THE SETTLEMENT OF ESTATES.

S. F. 529.

AN ACT to repeal section three thousand four hundred and fifteen (3415) of the code, and enacting a law in lieu thereof relating to compensation of executors, administrators and attorneys in the settlement of estates.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal and substitute — executors and administrators — commissions — attorneys' fees, etc. That section three thousand four hundred and fifteen (3415) of the code, be and the same is hereby repealed and the following is enacted in lieu thereof.

“Executors and administrators shall be allowed the following commissions upon the personal estate sold or distributed by them and for the proceeds of real estate sold for the payment of debts by them which shall be received as full compensation for all ordinary services:

For the first one thousand dollars, six per cent.

For the over plus between one and five thousand dollars, four per cent.

For all sums over five thousand dollars, two per cent.

There shall also be allowed and taxed as part of the costs of administration of estates an attorneys' fee for the administrator or executor's attorney equal to the administrator's or executor's fee as provided herein. Such further allowances as are just and reasonable may be made by the court to administrators, executors and their attorneys for actual necessary and extraordinary expenses or services.

Approved April 25, A. D. 1919.

CHAPTER 392.

IOWA STATE BOARD OF ENGINEERING EXAMINERS.

S. F. 186.

AN ACT to create an Iowa state board of engineering examiners; to provide for the examination and registration of professional engineers and land surveyors; and to fix penalties for the violation of this act.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Professional engineering and land surveying — registration. After one year from the date of passage of this act, unless otherwise permitted by the provisions of this act, no person shall practice professional engineering or land surveying in the state of Iowa except he be a registered professional engineer or a registered land surveyor as provided by this act.

SEC. 2. Compensation, etc. — how drawn — limitation. Warrants for the payment of expenses and compensations provided by this act

3 shall be issued by the auditor of state and paid by the state treasurer
4 upon presentation of vouchers regularly drawn by the chairman and
5 the secretary of the board and passed by the state board of audit,
6 provided however that at no time shall the total amount of warrants
7 exceed the total amount of the examination and registration fees col-
8 lected as herein provided.

1 **SEC. 3. Terms defined — (a—e).** (a) The "Board" means the
2 Iowa State Board of Engineering Examiners provided by this act.

3 (b) "Professional Engineering" means the practice of any branch
4 of the profession of engineering other than military engineering. The
5 practice of said profession embraces the design and the supervision
6 of the construction of public and private utilities, such as railroads,
7 bridges, canals, harbors, river improvements, lighthouses, wet docks,
8 dry docks, ships, barges, dredges, cranes, floating docks and other
9 floating property, the design and the supervision of the construction
10 of steam engines, turbines, internal combustion engines and other
11 mechanical structures, electrical machinery and apparatus, and of
12 works for the development, transmission or application of power, and
13 the design and the supervision of the construction of municipal
14 works, irrigation works, water supply works, sewerage works, drain-
15 age works, industrial works, sanitary works, hydraulic works, struc-
16 tural works and other public and private utilities or works which
17 require for their design or the supervision of their construction such
18 experience and technical knowledge as are required by this act. The
19 execution as a contractor of work designed by a professional engineer
20 or the supervision of the construction of such work as a foreman or
21 superintendent for such a contractor or the construction, improving,
22 or extending of private drains or drainage works, private irrigation
23 works, private water supply works, or other works of a private nature
24 shall not be deemed to be the practice of professional engineering
25 within the meaning of this act.

26 (c) A "Professional Engineer" means any person who practices
27 professional engineering.

28 (d) "Land Surveying" is surveying having to do with the bound-
29 aries or areas of tracts of land. The surveying of lands for the
30 purpose of sub-dividing or determining boundary lines where no con-
31 test is involved shall not be deemed to be the practice of land sur-
32 veying within the meaning of this act.

33 (e) A "Land Surveyor" is any person who makes land surveys.

• **SEC. 4. Board — membership — appointment — term — vacancies**
1 **— qualifications — compensation.** There is hereby created a State
2 Board of Engineering Examiners of five members who shall be
3 appointed by the governor within sixty days after the passage of this
4 act. No two members of said board shall be from the same branch
5 of the profession of engineering. Two members of the board first
6 appointed shall hold office for two years and three for four years, said
7 terms of office terminating on the first day of July. Upon the expir-
8 ation of each of such terms, the term of office of each member there-
9 after appointed shall be four years and shall terminate on the first
10 day of July. Each member shall hold over after the expiration of
11 his term until his successor shall be duly appointed and qualified. The
12 governor may remove any member of the board for misconduct,
13 incapacity or neglect of duty. Vacancies in the membership of the

14 board caused by death, resignation or removal from office shall be
15 filled by appointment by the governor for the unexpired term. Each
16 member of the board shall be a professional engineer at least thirty-
17 five years of age and shall have been a resident of this state for at
18 least three years immediately preceding his appointment. He shall
19 have had at least ten years of active practice preceding his appoint-
20 ment, and during that time shall have had charge of engineering work
21 as principal or assistant for at least two years. He shall be a mem-
22 ber in good standing of a recognized state or national engineering
23 society. Each member of the board, except as provided in section
24 5, shall be registered as a professional engineer under this act. Each
25 member of the board shall receive as compensation the sum of ten
26 dollars per day for the time actually spent in traveling to and from,
27 and in attending sessions of the board and its committees, and shall
28 receive all necessary traveling and incidental expenses incurred in
29 carrying out the provisions of this act.

SEC. 5. Certificates of appointment and registration — powers —
1 **seal.** Each member of the board shall receive a certificate of appoint-
2 ment from the governor. Before beginning his term of office each
3 member of the board shall file with the secretary of state the consti-
4 tutional oath of office. Each member of the board first created shall
5 receive a certificate of registration under this act from said board.
6 The board, or any committee thereof, shall be entitled to the counsel
7 and to the services of the attorney general, shall have power to com-
8 pel the attendance of witnesses, and may take testimonies and proofs,
9 and may administer oaths, concerning all matters within its jurisdic-
10 tion. The board shall adopt and have an official seal which shall be
11 affixed to all certificates of registration granted and may make all
12 by-laws and rules, not inconsistent with law, needed in performing
13 its duty.

SEC. 6. Officers — election of — bond and duties of secretary —
1 **fund — report.** The board shall elect annually from its members a
2 chairman, a vice-chairman and a secretary. The secretary shall give
3 a surety bond satisfactory to the board, conditioned for the faithful
4 performance of his duties and for the accounting and paying over of
5 all moneys received by him. The premium on said bond shall be
6 paid from the fund of the board hereinafter provided. The secre-
7 tary shall keep on file a record of all certificates of registration
8 granted, and shall make annually such revisions of said record as may
9 be necessary. In revising said record, the secretary shall communi-
10 cate annually by mail with every professional engineer registered here-
11 under. In every case in which a reply is not received within thirty
12 days after the date of the first letter, the secretary shall send a sec-
13 ond letter by registered mail. The certificate of registration of
14 any professional engineer who shall not reply within sixty days from
15 the date of said second letter, shall be considered to have been revoked
16 by such failure to reply, but may be reinstated at any time upon due
17 application therefor and the payment of the registration fee of ten
18 (\$10.00) dollars, provided in section 9 hereof. The secretary shall
19 receive and account for all fees derived from the operation of this act
20 and shall pay them to the state treasurer who shall keep such moneys
21 in a separate fund, to be known as the fund of the Board of Engineer-
22 ing Examiners, which shall be continued from year to year to be

23 drawn against only for the expenses and compensations of the board
24 provided by this act. On or before the 30th day of June in each
25 year the board shall submit to the governor a written report of its
26 transactions for the preceding year, and shall file with the secretary
27 of state a copy of said report, together with a complete statement of
28 the receipts and expenditures of the board, attested by the affidavits
29 of the chairman and the secretary, and a complete list of those regis-
30 tered under this act, with their addresses and the dates of their cer-
31 tificates of registration. Said report shall be printed by the state
32 and a copy mailed to, and placed on file by both the clerk of each
33 incorporated city or town in the state, and the county auditor of each
34 county in the state. The board shall hold at least one stated meet-
35 ing on the first Tuesday in December of each year and special meet-
36 ings shall be called at other times by the secretary at the request of
37 the chairman or of three members of the board. At any meeting of
38 the board three members shall constitute a quorum.

1 **SEC. 7. Candidates for examination — fee — qualifications.** The
2 board shall admit to examination any candidate who pays a fee of
3 fifteen (\$15.00) dollars and who under oath submits evidence pre-
4 scribed by the board that he
5 (a) is more than twenty-five years of age
6 (b) is of good character, and
7 (c) has been engaged in the practice of professional engineering
8 or land surveying for at least six years and during that period has
9 had charge as assistant, for at least one year. Each year of work
10 satisfactorily completed at an engineering school of recognized stand-
11 ing shall count as one year of practice in fulfilling the six year require-
12 ment of this section.

1 **SEC. 8. Examinations for registration.** Examinations for regis-
2 tration shall be given at stated or called meetings of the board. The
3 scope of the examinations and the method of procedure shall be pre-
4 scribed by the board. As soon as practicable, after the close of each
5 examination, a report shall be filed in the office of the secretary of
6 the board by the members conducting such examinations. Said
7 report shall show the action of the board upon each application, where-
8 upon the secretary of the board shall notify each applicant of the
9 result of his examination.

1 **SEC. 9. Professional engineer — land surveyor — certificate —**
2 **seal.** To any applicant, who shall have passed the examination as a
3 professional engineer, and who shall have paid an additional fee of
4 ten (\$10.00) dollars, the board shall issue a certificate of registra-
5 tion as a professional engineer, signed by the chairman and the sec-
6 retary of the board under the seal of the board, whereupon such
7 applicant shall be authorized to practice professional engineering as
8 defined by this act. To any applicant, who shall have passed the
9 examination as a land surveyor, and who shall have paid an additional
10 fee of ten (\$10.00) dollars, the board shall issue a certificate of regis-
11 tration, signed by the chairman and the secretary of the board under
12 the seal of the board, whereupon such applicant shall be authorized
13 to practice land surveying as defined by this act, and to administer
14 oaths to his assistants or to witnesses produced for examination of
facts connected with land surveys. A certificate of registration as a

15 professional engineer shall not carry with it the right to practice land
16 surveying unless it is specifically permitted by said certificate, which
17 permission shall be granted by the board without additional fee in
18 the case of any applicant duly qualified as prescribed by the rules of
19 the board. The board shall provide each candidate who has suc-
20 cessfully qualified for registration, a suitable seal with which he shall
21 stamp all plans, specifications and reports issued by him.

SEC. 10. Professional engineering and land surveying — certifi-
1 cate — date limit. At any time within six months after this act
2 becomes effective, upon due application therefor and the payment of a
3 fee of twenty-five (\$25.00) dollars, the board shall issue a certificate
4 of registration as provided by section 9 hereof to any person who
5 under oath submits evidence prescribed by the board that he
6 (a) is more than twenty-five years of age,
7 (b) is of good character and
8 (c) has been engaged in the practice of professional engineering
9 or land surveying for at least two years preceding the date of the
10 passage of this act, or is a graduate of some recognized school of
11 engineering. After this act shall have been in effect six months,
12 the board shall issue certificates of registration only as provided in
13 section 9 or section 11 hereof.

SEC. 11. Standards in other states — recognition — certificate —
1 fee, etc. The board shall from time to time examine the require-
2 ments for registration of professional engineers and land surveyors
3 in other states, territories and countries, and shall record those in
4 which in the judgment of the board standards not lower than those
5 provided by this act are maintained. The secretary of the board
6 upon presentation to him of satisfactory evidence by any person, that
7 he holds a certificate of registration issued to him by proper author-
8 ity in any state, territory or country so recorded, and upon the receipt
9 of a fee of ten (\$10.00) dollars, shall issue to such person a certificate
10 of registration to practice professional engineering or land surveying
11 as provided by this act, signed by the chairman and the secretary
12 under the seal of the board, whereupon the person to whom such
13 certificate is issued shall be entitled to all the rights and privileges
14 conferred by the certificate issued after examination by the board.

SEC. 12. Revocation of certificate — power of board — charges —
1 hearing, etc. The board shall have the power by a four-fifths vote
2 of the entire board to revoke the certificate of any professional engi-
3 neer or land surveyor registered hereunder, found guilty of any fraud
4 or deceit in his practice, or guilty of any fraud or deceit in obtaining
5 his certificate, or in case he is found by the same vote to be incompe-
6 tent. Proceedings for the revocation of a certificate of registration
7 shall be begun by filing with the secretary of the board written
8 charges against the accused. The board shall designate a time and
9 place for a hearing, and shall notify the accused of this action and
10 furnish him a copy of all charges at least thirty days prior to the date
11 of the hearing. The accused shall have the right to appear person-
12 ally or by counsel, to cross examine witnesses or to produce wit-
13 nesses in his defense.

1 SEC. 13. Legal registration — presumptive evidence of. An unre-
2 voked certificate of registration, made as provided in this act, shall

3 be presumptive evidence in all courts and places that the person
4 named therein is legally registered.

SEC. 14. **False pretenses — practice under — misdemeanor —
1 penalty.** Any person who, after this act shall have been in effect
2 for one year, is not legally authorized to practice in this state accord-
3 ing to the provisions of this act and shall practice, or shall in connec-
4 tion with his name use any designation tending to imply or designate
5 him as a registered practitioner within the meaning of this act, and
6 any person presenting or attempting to file as his own the certificate
7 or registration of another, or who shall give false or forged evidence
8 of any kind to the board, or to any member thereof, in obtaining a
9 certificate of registration, or who shall falsely impersonate another
10 practitioner of like or different name, or who shall use or attempt to
11 use a revoked certificate of registration shall be deemed guilty of a
12 misdemeanor and shall for each offense of which he is convicted be
13 punished by a fine of not less than one hundred (\$100.00) dollars, nor
14 more than five hundred (\$500.00) dollars, or by imprisonment for
15 three months, or by both such fine and imprisonment.

SEC. 15. **Application of act — exceptions and provisions.** This
2 act shall not apply to any full time employee of any corporation while
3 doing work for that corporation, except in the case of corporations
4 offering their services to the public as professional engineers or land
5 surveyors. Corporations engaged in designing and building works
6 for public or private interests not their own shall be deemed to prac-
7 tice professional engineering within the meaning of this act. With
8 respect to such corporations all principal designing or constructing
9 engineers shall hold certificates of registration hereunder. This act
10 shall not apply to corporations engaged solely in building said works.
11 This act shall not apply to contracts existing at the time said act takes
12 effect, nor to any professional engineer or land surveyor working for
13 the United States government, nor to any professional engineer or
14 land surveyor employed as an assistant to a professional engineer or
15 land surveyor registered under this act, nor to purely operative ser-
16 vices in connection with mechanical plants or systems, nor to any pro-
17 fessional engineer or land surveyor from without this state until a
18 reasonable length of time as prescribed by the rules of the board shall
19 have elapsed to permit the registration of such a person under this
20 act, provided that, before practicing within this state, he shall have
21 applied for the issuance to him of a certificate of registration and
22 shall have paid the fee prescribed in this act.

SEC. 16. **Acts in conflict repealed.** All laws or parts of laws in
2 conflict with the provisions of this act are hereby repealed.

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