

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Footnotes

Standards for land surveying;
board to adopt rules; see chapter 355
This chapter not enacted as a part of this title;
transferred from chapter 114 in Code 1993

542B.1 Licensed engineers and surveyors.

A person shall not engage in the practice of engineering or land surveying in the state unless the person is a licensed professional engineer or a licensed land surveyor as provided in this chapter, except as permitted by section 542B.26.

[C24, 27, 31, 35, 39, § 1854; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.1]

C93, § 542B.1

95 Acts, ch 65, §1; 96 Acts, ch 1055, § 4

542B.2 Terms defined.

1. The "*board*" means the engineering and land surveying examining board provided by this chapter.
2. The term "*engineering documents*" as used in this chapter includes all plans, specifications, drawings, and reports, if the preparation of such documents constitutes or requires the practice of engineering.
3. The term "*engineer intern*" as used in this chapter means a person who passes an examination in the fundamental engineering subjects, but does not entitle the person to claim to be a professional engineer.
4. The term "*in responsible charge*" as used in this chapter means having direct control of and personal supervision over any land surveying work or work involving the practice of engineering. One or more persons, jointly or severally, may be in responsible charge.
5. *a.* The practice of "*land surveying*" includes providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location of property lines or boundaries, and the utilization, development, and interpretation of these facts into an orderly survey, plat, or map. The practice of land surveying includes, but is not limited to, the following:
 - (1) Locating, relocating, establishing, reestablishing, setting, or resetting of permanent monumentation for any property line or boundary of any tract or parcel of land. Setting permanent monuments constitutes an improvement to real property.
 - (2) Making any survey for the division or subdivision of any tract or parcel of land.
 - (3) Determination, by the use of the principles of land surveying, of the position for any permanent survey monument or reference point, or setting, resetting, or replacing any survey monument or reference point excluding the responsibility of engineers pursuant to section 314.8.
 - (4) Creating and writing metes and bounds descriptions as defined in section 354.2.

(5) Geodetic surveying for determination of the size and shape of the earth both horizontally and vertically for the precise positioning of permanent land survey monuments on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

(6) Creation, preparation, or modification of electronic or computerized data, including land information systems and geographical information systems, relative to the performance of the activities identified in subparagraphs (1) through (5).

b. This subsection does not prohibit a professional engineer from practicing any aspect of the practice of engineering. A land surveyor is not prohibited from performing engineering surveys as defined in the practice of engineering.

c. A person is construed to be engaged in or offering to be engaged in the practice of land surveying if the person does any of the following:

(1) Engages in land surveying.

(2) Makes a representation by verbal claim, sign, advertisement, letterhead, card, or other manner that the person is a land surveyor.

(3) Uses any title which implies that the person is a land surveyor or that the person is licensed under this chapter.

(4) Holds the person's self out as able to perform, or who does perform, any service or work included in the practice of land surveying.

6. The term "*land surveying documents*" as used in this chapter includes all plats, maps, surveys, and reports, if the preparation thereof constitutes or requires the practice of land surveying.

7. The term "*land surveyor*" as used in this chapter shall mean a person who engages in the practice of land surveying as defined in this section.

8. "*Practice of engineering*" as used in this chapter means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences, such as consultation, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications, any of which embraces such services or creative work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of the services identified in this paragraph. "*Design coordination*" includes the review and coordination of technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer. "*Engineering surveys*" includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

A person is construed to be engaged in the practice of engineering if the person does any of the following:

a. Practices any branch of the profession of engineering.

b. Makes a representation by verbal claim, sign, advertisement, letterhead, card, or other manner that the person is a professional engineer.

c. Uses any title which implies that the person is a professional engineer or that the person is certified under this chapter.

d. The person holds the person's self out as able to perform, or who does perform, any service or work included in the practice of engineering.

9. The term "*professional engineer*" as used in this chapter means a person, who, by reason of the person's knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education or practical experience, is qualified to engage in the practice of engineering.

[C24, 27, 31, 35, 39, § 1855; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.2]

84 Acts, ch 1104, § 2

C93, § 542B.2

94 Acts, ch 1107, §13; 95 Acts, ch 65, §2, 3; 98 Acts, ch 1037, §1

542B.3 Engineering and land surveying examining board created.

An engineering and land surveying examining board is created within the professional licensing and regulation division of the department of commerce. The board consists of four members who are licensed professional engineers, one member who is a licensed land surveyor or a professional engineer who is also a licensed land surveyor, and two members who are not licensed professional engineers or land surveyors and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate. A licensed member shall be actively engaged in the practice of engineering or land surveying and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Insofar as practicable, licensed engineer members of the board shall be from different branches of the profession of engineering. Professional associations or societies composed of licensed engineers or licensed land surveyors may recommend the names of potential board members whose profession is representative of that association or society to the governor. However, the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional engineers or land surveyors.

[C24, 27, 31, 35, 39, § 1856; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.3]

84 Acts, ch 1104, § 3; 86 Acts, ch 1245, § 716; 88 Acts, ch 1125, §1

C93, § 542B.3

96 Acts, ch 1055, § 5

Footnotes

Confirmation, see § 2.32

542B.4 Terms of office.

Appointments shall be for three-year terms and shall commence and end as provided by section 69.19. Vacancies shall be filled for the unexpired term by appointment of the governor and shall be subject to senate

confirmation. Members shall serve no more than three terms or nine years, whichever is least.

[C24, 27, 31, 35, 39, § 1857, 1858; C46, 50, 54, 58, 62, 66, 71, 73, § 114.4, 114.5; C75, 77, 79, 81, § 114.4]

C93, § 542B.4

Footnotes

Confirmation, see §2.32

542B.5 Reserved.

542B.6 Official seal bylaws.

The board shall adopt and have an official seal which shall be affixed to all certificates of licensure granted and may make all bylaws and rules, not inconsistent with law, necessary for the proper performance of its duty.

[C24, 27, 31, 35, 39, § 1859; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.6]

C93, § 542B.6

96 Acts, ch 1055, § 6

542B.7 Attorney general to assist general powers.

Such board, or any committee thereof, shall be entitled to the counsel and to the services of the attorney general, and shall have power to compel the attendance of witnesses, pay witness fees and mileage, and may take testimony and proofs and may administer oaths concerning any matter within its jurisdiction.

[C24, 27, 31, 35, 39, § 1860; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.7]

C93, § 542B.7

Footnotes

Administration of oaths, § 63A.2

542B.8 Expenses compensation.

Members of the board are entitled to receive all actual expenses incurred in the discharge of their duties within the limits of funds appropriated to the board. Each member of the board may also be eligible to receive compensation as provided in section 7E.6.

[C24, 27, 31, 35, 39, § 1861; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.8]

86 Acts, ch 1245, § 717

C93, § 542B.8

Footnotes

Compensation; see § 114.8, Code 1985, and § 7E.6(1)

542B.9 Organization of the board staff.

The board shall elect annually from its members a chairperson and a vice chairperson. The administrator of the professional licensing and regulation division of the department of commerce shall hire and provide staff to assist the board in implementing this chapter. The board shall hold at least one meeting at the location of the board's principal office, and meetings shall be called at other times by the administrator at the request of the chairperson or four members of the board. At any meeting of the board, a majority of members constitutes a quorum.

[C24, 27, 31, 35, 39, § **1862**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.9]

86 Acts, ch 1245, § 718; 88 Acts, ch 1158, §19

C93, § 542B.9

542B.10 Annual report. Repealed by 98 Acts, ch 1119, §11.

542B.11 Staff duties.

The staff shall keep on file a record of all certificates of licensure granted and shall make annual revisions of the record as necessary. In revising the record the staff shall communicate biennially by mail with every professional engineer and surveyor licensed under this chapter, as provided in section 542B.18.

[C24, 27, 31, 35, 39, § **1864**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.11]

84 Acts, ch 1104, § 1; 85 Acts, ch 68, §1; 90 Acts, ch 1168, § 15

C93, § 542B.11

96 Acts, ch 1055, § 5, 6

542B.12 Disposition of fees.

The staff shall collect and account for all fees provided for by this chapter and pay the fees to the treasurer of state who shall deposit the fees in the general fund of the state.

[C24, 27, 31, 35, 39, § **1865**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.12]

90 Acts, ch 1168, § 16; 90 Acts, ch 1261, § 36

C93, § 542B.12

94 Acts, ch 1107, §87

542B.13 Applications and examination fees.

Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and the board shall not require that a recent photograph of the applicant be attached to the application form. An applicant is not ineligible for licensure because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. The board may consider the past felony record of an applicant. The board may require that an applicant submit references.

Applications for examination in fundamentals in the practice of engineering and land surveying shall be accompanied by application fees determined by the board. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly.

[C24, 27, 31, 35, 39, § 1866; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.13]

84 Acts, ch 1104, § 4

C93, § 542B.13

95 Acts, ch 65, §4; 96 Acts, ch 1055, § 7

542B.14 General requirements for licensure temporary permit to practice engineering.

Each applicant for licensure as a professional engineer or land surveyor shall have all of the following requirements, respectively, to wit:

1. As a professional engineer:

a. (1) Graduation from a course in engineering of four years or more in a school or college which, in the opinion of the board, will properly prepare the applicant for the examination in fundamental engineering subjects.

(2) However, prior to July 1, 1988, in lieu of compliance with subparagraph (1), the board may accept eight years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the examination in fundamental engineering subjects.

(3) Between July 1, 1988, and June 30, 1991, in lieu of compliance with subparagraph (1), the board shall require satisfactory completion of a minimum of two years of postsecondary study in mathematics, physical sciences, engineering technology, or engineering at an institution approved by the board, and may accept six years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the examination in fundamental engineering subjects.

(4) For applicants who obtained an associate of science degree or a more advanced degree between July 1, 1983, and June 30, 1988, in lieu of compliance with subparagraph (1), the board shall only require compliance with the provisions of subparagraph (3) with regard to areas of study and practical experience. Applicants qualifying under this subparagraph must meet the requirements of paragraph "b", by June 30, 2001.

b. Successfully passing a written, oral, or written and oral examination in fundamental engineering subjects which is designed to show the knowledge of general engineering principles. A person passing the examination in fundamental engineering subjects is entitled to a certificate as an engineer intern.

c. In addition to any other requirement, a specific record of four years or more of practical experience in engineering work which is of a character satisfactory to the board.

d. Successfully passing a written, oral, or written and oral examination designed to determine the proficiency and qualifications to engage in the practice of engineering. No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in engineering work.

2. As a land surveyor:

a. (1) Graduation from a course of two years or more in mathematics, physical sciences, mapping and

surveying, or engineering in a school or college and six years of practical experience, all of which, in the opinion of the board, will properly prepare the applicant for the examination in fundamental land surveying subjects.

(2) However, prior to July 1, 1988, in lieu of compliance with subparagraph (1), the board may accept eight years' practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the examination in fundamental land surveying subjects.

b. Successfully passing a written, oral, or written and oral examination in fundamental land surveying subjects which is designed to show the knowledge of general land surveying principles.

c. In addition to any other requirement, a specific record of four years or more of practical experience in land surveying work which is of a character satisfactory to the board.

d. Successfully passing a written, oral, or written and oral examination designed to determine the proficiency and qualifications to engage in the practice of land surveying. No applicant shall be entitled to take this examination until the applicant shows the necessary practical experience in land surveying work.

The board may establish by rule a temporary permit and a fee to permit an engineer to practice for a period of time without applying for licensure.

[C39, § 1866.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.14]

84 Acts, ch 1104, § 5; 87 Acts, ch 165, § 1, 2

C93, § 542B.14

94 Acts, ch 1107, §14; 95 Acts, ch 65, §5; 96 Acts, ch 1055, § 7; 98 Acts, ch 1054, §1

542B.15 Examinations report required.

Examinations for licensure shall be given as often as deemed necessary by the board, but no less than one time per year. The scope of the examinations and the methods of procedure shall be prescribed by the board. Any written examination may be given by representatives of the board. All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible. As soon as practicable after the close of each examination, a report shall be filed in the office of the secretary of the board by the board. The report shall show the action of the board upon each application and the secretary of the board shall notify each applicant of the result of the applicant's examination. Applicants who fail the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, the applicant shall be allowed to take the examination at the discretion of the board. An applicant who has failed the examination may request in writing information from the board concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board administers a uniform, standardized examination, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board.

[C24, 27, 31, 35, 39, § 1867; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.15]

C93, § 542B.15

96 Acts, ch 1055, § 6

542B.16 Seal certificate of responsibility.

1. Each licensee, upon licensure, shall obtain a seal of a design approved by the board, bearing the licensee's name, Iowa license number, and the words "professional engineer" or "land surveyor" or both, as the case may be. A legible rubber stamp or other facsimile of the seal may be used and shall have the same effect as the use of the actual seal.
2. All engineering documents and land surveying documents shall be dated and shall contain all of the following:
 - a. The signature of the licensee in responsible charge.
 - b. A certification that the work was done by the licensee or under the licensee's direct personal supervision.
 - c. The Iowa legible seal of the licensee.
3. An agency, subdivision, or municipal corporation of this state, or an officer of the state, subdivision, or municipal corporation, shall not file for record or approve any engineering document or land surveying document which does not comply with this section.
4. A licensee shall not place the licensee's signature or seal on any engineering document or land surveying document unless the licensee was in responsible charge of the work, except that the licensee may do so if the licensee contributed to the work and the licensee in responsible charge has signed and certified the work.
5. Violation of this section by a licensee shall be deemed fraud and deceit in the licensee's practice.

[C24, 27, 31, 35, 39, § 1868; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.16]

C93, § 542B.16

96 Acts, ch 1055, § 1

542B.17 Certificate.

The board shall issue a certificate of licensure as a professional engineer to an applicant who has passed the examination as a professional engineer and who has paid an additional fee. The certificate shall be signed by the chairperson and secretary of the board under the seal of the board. The certificate shall authorize the applicant to engage in the practice of engineering. The certificate shall not carry with it the right to practice land surveying, unless specifically so stated on the certificate, which permission shall be granted by the board without additional fee in cases where the applicant duly qualifies as a land surveyor as prescribed by the rules of the board.

[C24, 27, 31, 35, 39, § 1869; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.17]

C93, § 542B.17

95 Acts, ch 65, §6; 96 Acts, ch 1055, § 7

542B.18 Expirations and renewals.

Certificates of licensure shall expire in multiyear intervals as determined by the board. It shall be the duty of the secretary of the board to notify every person licensed under this chapter, of the date of expiration of the certificate and the amount of the fee that shall be required for its renewal; such notice shall be mailed at least

one month in advance of the date of the expiration of the certificate. Renewal may be effected by the payment of a fee the amount of which shall be determined by the board. The failure on the part of any licensee to renew a certificate in the month of expiration as required above shall not deprive a person of the right of renewal. A person who fails to renew a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. For the duration of any war in which the United States is engaged the board may, in its discretion, defer the collection of renewal fees without penalty, which have or may become due from licensed professional engineers who are employed in the war effort, and residing outside the state, or who are members of the armed forces of the United States, and may renew the engineering certificates of licensed professional engineers.

[C27, 31, 35, § 1869-b1; C39, § **1869.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.18]

C93, § 542B.18

96 Acts, ch 1055, § 5, 6, 8

542B.19 Land surveyor's certificate.

To any applicant who shall have passed the examination as a land surveyor and who shall have paid an additional fee as set by the board, the board shall issue a certificate of licensure signed by its chairperson and secretary under the seal of the board, which certificate shall authorize the applicant to practice land surveying as defined in this chapter and to administer oaths to assistants and to witnesses produced for examination, with reference to facts connected with land surveys being made by such land surveyor.

[C24, 27, 31, 35, 39, § **1870**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.19]

C93, § 542B.19

96 Acts, ch 1055, § 6

Footnotes

Administration of oaths, chapter 63A

542B.20 Foreign licensees.

A person holding a certificate of licensure as a professional engineer or land surveyor issued to the person by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or of any foreign country, based on requirements and qualifications, in the opinion of the board equal to or higher than the requirements of this chapter, may be licensed without further examination.

A temporary permit to practice engineering may be granted to a person licensed in another state, as prescribed by rule, provided that before practicing within the state the person shall have applied for licensure or for a temporary permit to practice without applying for licensure and shall have paid the fee prescribed by the board.

The application for licensure shall be accompanied by a fee as determined by the board. After the board determines the applicant to be qualified under this section, a certificate of licensure shall be issued upon receipt of an additional fee as determined by the board. All fees collected shall be transmitted to the treasurer of state and deposited as provided by law.

[C24, 27, 31, 35, 39, § **1871**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.20]

84 Acts, ch 1104, § 6; 90 Acts, ch 1168, § 17

C93, § 542B.20

96 Acts, ch 1055, § 5, 6, 9

542B.21 Suspension, revocation, or reprimand.

The board shall have the power by a five-sevenths vote of the entire board to suspend for a period not exceeding two years, or to revoke the certificate of licensure of, or to reprimand any licensee who is found guilty of the following acts or offenses:

1. Fraud in procuring a certificate of licensure.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony under the laws of the United States, of any state or possession of the United States, or of any other country. A copy of the record of conviction or plea of guilty is conclusive evidence.
6. Revocation or suspension of licensure to engage in the practice of engineering or land surveying, or other disciplinary action by the licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or other disciplinary action is prima facie evidence of such fact.
7. Fraud in representations as to skill or ability.
8. Use of untruthful or improbable statements in advertisements.
9. Willful or repeated violations of the provisions of this Act.*

[C24, 27, 31, 35, 39, § 1872; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.21]

85 Acts, ch 195, §13

C93, § 542B.21

95 Acts, ch 65, §7, 8; 96 Acts, ch 1055, § 7, 10, 11

Footnotes

*See 77 Acts, ch 95, §10

542B.22 Procedure.

Proceedings for any action under section 542B.21 shall be begun by filing with the board written charges against the accused. Upon the filing of charges the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and the board shall designate a time and place for a hearing, and shall notify the

accused of this action and furnish the accused a copy of all charges at least thirty days prior to the date of the hearing. The accused has the right to appear personally or by counsel, to cross-examine witnesses, or to produce witnesses in defense.

[C24, 27, 31, 35, 39, § **1873**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.22]

88 Acts, ch 1158, §20

C93, § 542B.22

542B.23 Reserved.

542B.24 Injunction.

Any person who is not legally authorized to practice in this state according to the provisions of this chapter, and shall practice, or shall in connection with the person's name use any designation tending to imply or designate the person as a professional engineer or land surveyor, may be restrained by permanent injunction.

[C24, 27, 31, 35, 39, § **1875**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.24]

C93, § 542B.24

542B.25 Violations.

Any person who violates such permanent injunction or presents or attempts to file as the person's own the certificate of licensure of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of licensure, or who shall falsely impersonate another practitioner of like or different name, or who shall use or attempt to use a revoked certificate of licensure, shall be deemed guilty of a fraudulent practice.

[C24, 27, 31, 35, § 1875; C39, § **1875.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.25]

C93, § 542B.25

96 Acts, ch 1055, § 6

542B.26 Applicability of chapter.

This chapter shall not apply to any full-time employee of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or land surveyors.

Corporations engaged in designing buildings or works for public or private interests not their own shall be deemed to be engaged in the practice of engineering within the meaning of this chapter. With respect to such corporations all principal designing or constructing engineers shall hold certificates of licensure issued under this chapter. This chapter shall not apply to corporations engaged solely in constructing buildings and works.

This chapter shall not apply to any professional engineer or land surveyor working for the United States government, nor to any professional engineer or land surveyor employed as an assistant to a professional engineer or land surveyor licensed under this chapter if such assistant is not placed in responsible charge of any work involving the practice of engineering or land surveying work, nor to the operation or maintenance of power and mechanical plants or systems.

[C24, 27, 31, 35, 39, § 1876; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 114.26]

C93, § 542B.26

95 Acts, ch 65, §9; 96 Acts, ch 1055, § 4, 7

542B.27 Civil penalty.

1. In addition to any other penalties provided for in this chapter, the board may by order impose a civil penalty upon a person who is not licensed under this chapter as a professional engineer or a land surveyor and who does any of the following:

- a.* Engages in or offers to engage in the practice of professional engineering or land surveying.
- b.* Uses or employs the words "professional engineer" or "land surveyor", or implies authorization to provide or offer professional engineering or land surveying services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is a professional engineer or land surveyor or is engaged in the practice of professional engineering or land surveying.
- c.* Presents or attempts to use the certificate of licensure or the seal of a professional engineer or land surveyor.
- d.* Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure.
- e.* Falsely impersonates any licensed professional engineer or land surveyor.
- f.* Uses or attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure.
- g.* Knowingly aids or abets an unlicensed person who engages in any activity identified in this subsection.

2. A civil penalty imposed shall not exceed one thousand dollars for each offense. Each day of a continued violation constitutes a separate offense.

3. In determining the amount of a civil penalty to be imposed, the board may consider any of the following:

- a.* Whether the amount imposed will be a substantial economic deterrent to the violation.
- b.* The circumstances leading to the violation.
- c.* The severity of the violation and the risk of harm to the public.
- d.* The economic benefits gained by the violator as a result of noncompliance.
- e.* The interest of the public.

4. Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted in the same manner as provided in section 542B.22.

5. The board, in connection with a proceeding under this section, may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to

bring an action to enforce the subpoena.

6. A person aggrieved by the imposition of a civil penalty under this section may seek judicial review in accordance with section 17A.19.

7. If a person fails to pay a civil penalty within thirty days after entry of an order under subsection 1, or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

8. An action to enforce an order under this section may be joined with an action for an injunction.

96 Acts, ch 1055, § 2; 96 Acts, ch 1219, §29; 97 Acts, ch 23, § 65

542B.28 and 542B.29 Reserved.

542B.30 Fees.

The board shall set the fees for application, licensure, and renewal of licensure based upon the administrative costs of sustaining the board. The fees shall include, but shall not be limited to, the costs for:

1. Per diem, expenses and travel for board members.
2. Office facilities, supplies, and equipment.
3. Legal, technical and clerical assistance.

[C75, 77, 79, 81, § 114.30]

C93, § 542B.30

96 Acts, ch 1055, § 6

542B.31 Public members.

The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

[C75, 77, 79, 81, § 114.31]

C93, § 542B.31

542B.32 Disclosure of confidential information.

A member of the board shall not disclose information relating to the following:

1. Criminal history or prior misconduct of the applicant.
2. Information relating to the contents of the examination.
3. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

[C75, 77, 79, 81, § 114.32]

C93, § 542B.32

542B.33 and 542B.34 Reserved.

542B.35 Exception real property inspection report.

1. *"Real property inspection report"* means a report stating whether, after visual examination, a parcel of real property which is being collateralized is materially impaired.

2. A real property inspection report is not a property survey or an engineering document and is exempt from the provisions of this chapter and the rules adopted under this chapter which apply to property surveys. A real property inspection report shall not be filed or recorded with the county recorder. The real property inspection report shall include all of the following:

a. A clear and prominent statement of disclosure to the buyer that the real property inspection report is not a property survey or an engineering document and should not be relied upon as such, and that property boundaries shown may be approximate only.

b. A clear and prominent statement that the report is for the use of the mortgage lender or its assigns and determination of the actual placement of boundary lines should be addressed by a property survey in accordance with the provisions of this chapter.

c. A person who completes the real property inspection report shall not claim to be a licensed land surveyor or a professional engineer for purposes of the report.

90 Acts, ch 1060, §1

C91, § 114.35

C93, § 542B.35

96 Acts, ch 1055, § 5; 97 Acts, ch 23, § 66