

House Study Bill 549

Conference Committee Text

PAG LIN

1 1 Section 1. Section [542B.2](#), Code Supplement 1995, is
1 2 amended to read as follows:
1 3 542B.2

~~TERMS DEFINED~~

~~- DEFINITIONS.~~

1 4 As used in this chapter, unless the context otherwise
1 5 requires:
1 6 1.

~~The "board"~~

~~- "Board" means the engineering and land~~
1 7 ~~surveying examining board~~

~~provided~~

~~- created by this chapter.~~
1 8 2.

~~The term "engineering~~

~~- "Engineering documents"~~

~~as used~~

~~-~~
1 9

~~in this chapter~~

~~- includes all plans, specifications, drawings,~~
1 10 ~~and reports, if the preparation of such documents constitutes~~
1 11 ~~or requires the practice of engineering.~~
1 12 3.

~~The term "engineer~~

~~- "Engineer intern"~~

~~as used in this~~

~~-~~
1 13

~~chapter~~

~~- means a person who passes an examination in the~~
1 14 ~~fundamental engineering subjects, but does not entitle the~~
1 15 ~~person to claim to be a professional engineer.~~
1 16 4.

~~The term "in~~

~~- "In responsible charge"~~

~~as used in this~~

~~-~~
1 17

~~chapter~~

~~- means having direct control of and personal~~
1 18 ~~supervision over any land surveying work or work involving the~~
1 19 ~~practice of engineering. One or more persons, jointly or~~
1 20 ~~severally, may be in responsible charge.~~

1 21

~~5. The practice of "land surveying" within the meaning and~~

1 22

~~intent of this chapter includes surveying of areas for their~~

1 23

~~correct determination and description and for conveyancing, or~~

1 24

~~for the establishment or re-establishment of land boundaries~~

1 25

~~and the platting of lands and subdivisions thereof.~~

1 26

~~6.~~

~~5.~~

~~The term "land~~

~~"Land surveying documents"~~

~~as used in~~

1 27

~~this chapter~~

~~includes all plats, maps, surveys, and reports,~~

1 28 if the preparation thereof constitutes or requires the

1 29 practice of land surveying.

1 30

~~7.~~

~~6.~~

~~The term "land~~

~~"Land surveyor"~~

~~as used in this~~

1 31

~~chapter shall mean~~

~~means a person who engages in the practice~~

1 32 of land surveying

~~as hereinafter defined~~

1 33

~~8.~~

~~7. "Practice of engineering"~~

~~as used in this chapter~~

1 34 means any service or creative work, the adequate performance

1 35 of which requires engineering education, training, and

2 1 experience in the application of special knowledge of the

2 2 mathematical, physical, and engineering sciences, such as

2 3 consultation, investigation, evaluation, planning, design and

2 4 design coordination of engineering works and systems, planning

2 5 the use of land and water, performing engineering surveys and
2 6 studies, and the review of construction for the purpose of
2 7 monitoring compliance with drawings and specifications, any of
2 8 which embraces such services or creative work, either public
2 9 or private, in connection with any utilities, structures,
2 10 buildings, machines, equipment, processes, work systems,
2 11 projects, and industrial or consumer products or equipment of
2 12 a mechanical, electrical, hydraulic, pneumatic, or thermal
2 13 nature, insofar as they involve safeguarding life, health, or
2 14 property, and including such other professional services as
2 15 may be necessary to the planning, progress, and completion of
2 16 the services identified in this

~~paragraph~~

- subsection. "Design

2 17 coordination" includes the review and coordination of
2 18 technical submissions prepared by others, including as
2 19 appropriate and without limitation, consulting engineers,
2 20 architects, landscape architects, land surveyors, and other
2 21 professionals working under the direction of the engineer.
2 22 "Engineering surveys" includes all survey activities required
2 23 to support the sound conception, planning, design,
2 24 construction, maintenance, and operation of engineered
2 25 projects, but excludes the surveying of real property for the
2 26 establishment of land boundaries, rights-of-way, easements,
2 27 and the dependent or independent surveys or resurveys of the
2 28 public land survey system.

2 29 A person is construed to be engaged in the practice of
2 30 engineering if the person does any of the following:

2 31 a. Practices any branch of the profession of engineering.

2 32 b. Makes a representation by verbal claim, sign,
2 33 advertisement, letterhead, card, or other manner that the
2 34 person is a professional engineer.

2 35 c. Uses any title which implies that the person is a
3 1 professional engineer or that the person is

~~certified~~

- licensed

3 2 under this chapter.

3 3 d. The person holds the person's self out as able to
3 4 perform, or who does perform, any service or work included in
3 5 the practice of engineering.

3 6 8. a. "Practice of land surveying" includes providing
3 7 professional services such as consultation, investigation,
3 8 testimony, evaluation, planning, mapping, assembling, and
3 9 interpreting reliable scientific measurements and information
3 10 relative to the location, size, shape, or physical features of
3 11 the earth, improvements on the earth, the space above the
3 12 earth, or any part of the earth, and the utilization,
3 13 development, and interpretation of these facts into an orderly
3 14 survey map. The practice of land surveying includes, but is
3 15 not limited to, the following:

3 16 (1) Locating, relocating, establishing, reestablishing,
3 17 laying out, or retracing any property line or boundary of any
3 18 tract of land or any road, right-of-way, easement, alignment,
3 19 or elevation of any of the fixed works embraced within the
3 20 practice of professional engineering.

3 21 (2) Making any survey for the subdivision of any tract of
3 22 land.

3 23 (3) Determination, by the use of the principles of land
3 24 surveying, of the position for any survey monument or
3 25 reference point, or setting, resetting, or replacing any
3 26 survey monument or reference point.

3 27 (4) Determination of the configuration or contour of the
3 28 earth's surface or the position of fixed objects on the
3 29 earth's surface by measuring lines and angles and applying the
3 30 principles of mathematics or photogrammetry.

3 31 (5) Geodetic surveying which includes surveying for
3 32 determination of the size and shape of the earth both
3 33 horizontally and vertically and the precise positioning of
3 34 points on the earth utilizing angular and linear measurements
3 35 through spatially oriented spherical geometry.
4 1 (6) Creation, preparation, or modification of electronic
4 2 or computerized data, including land information systems and
4 3 geographic information systems, relative to the performance of
4 4 the activities identified in subparagraphs (1) through (5).
4 5 b. A person is construed to be engaged in or offering to
4 6 be engaged in the practice of land surveying if the person
4 7 does any of the following:
4 8 (1) Engages in land surveying.
4 9 (2) Makes a representation by verbal claim, sign,
4 10 advertisement, letterhead, card, or other manner that the
4 11 person is a land surveyor.
4 12 (3) The person uses any title which implies that the
4 13 person is a land surveyor or that the person is licensed under
4 14 this chapter.
4 15 (4) The person holds the person's self out as able to
4 16 perform, or who does perform, any service or work included in
4 17 the practice of land surveying.
4 18 9.

~~The term "professional~~
~~"Professional engineer"~~

~~as used~~

4 19

~~in this chapter~~

~~means a person, who, by reason of the person's~~
4 20 ~~knowledge of mathematics, the physical sciences, and the~~
4 21 ~~principles of engineering, acquired by professional education~~
4 22 ~~or practical experience, is qualified to engage in the~~
4 23 ~~practice of engineering.~~

4 24 Sec. 2. Section [542B.7](#), Code 1995, is amended to read as
4 25 follows:

4 26 542B.7 ATTORNEY GENERAL TO ASSIST & GENERAL POWERS.
4 27

~~Such~~

~~The board, or any committee~~

~~thereof~~

~~of the board,~~

4 28 shall be entitled to the counsel and to the services of the
4 29 attorney general, and shall have power to compel the
4 30 attendance of witnesses, pay witness fees and mileage, and may
4 31 take testimony and proofs and may administer oaths concerning
4 32 any matter within its jurisdiction.

4 33 Sec. 3. Section [542B.16](#), Code 1995, is amended to read as
4 34 follows:

4 35 542B.16 SEAL & CERTIFICATE OF RESPONSIBILITY &
5 1 REPRODUCTIONS.
5 2 1. Each

~~registrant~~

~~licensee, upon~~

~~registration~~

~~licensure,~~

5 3

~~may~~

~~shall obtain a seal~~

~~If the registrant obtains or uses a~~

5 4

~~seal, it shall be~~

~~of a design approved by the board, bearing~~
5 5 the

~~registrant's~~

~~licensee's~~ name, Iowa

~~registration~~

~~license~~

5 6 number, and the words "professional engineer" or "land
5 7 surveyor" or both, as the case may be. A legible rubber stamp
5 8 or other facsimile of the seal may be used and shall have the
5 9 same effect as the use of the actual seal.

5 10 2. All engineering documents and land surveying documents
5 11 shall be dated and shall contain all of the following:

~~(1)~~

5 12 a. The signature of the

~~registrant~~

~~licensee~~ in responsible
5 13 charge

~~; (2) a certificate~~

5 14 b. A certification that the work was done by

~~such~~

5 15

~~registrant~~

~~the licensee~~ or under the

~~registrant's~~

~~licensee's~~
5 16 direct personal supervision

~~; and (3) the~~

5 17 c. The Iowa

~~registration number or~~

~~legible seal of~~

~~such~~

5 18

~~registrant~~

~~the licensee.~~

5 19

~~If engineering documents or land surveying documents comply~~

5 20

~~with this section, reproductions thereof also comply with this~~

5 21

~~section if the date, signature, certificate, and registration~~

-
5 22

~~number thereon are legibly reproduced.~~

-
5 23 3.

~~No~~
- An agency,

~~of this state and no~~
- subdivision, or
5 24 municipal corporation of this state,

~~nor any~~
- or an officer
5 25

~~thereof~~
- of the state, subdivision, or municipal corporation,
5 26 shall not file for record or approve any engineering document
5 27 or land surveying document which does not comply with this
5 28 section.
5 29 4.

~~No registrant~~
- A licensee shall not place the
5 30

~~registrant's~~
- licensee's signature or seal on any engineering
5 31 document or land surveying document unless the

~~registrant~~
-
5 32 licensee was in responsible charge of the work, except that
5 33 the

~~registrant~~
- licensee may do so if the

~~registrant~~
- licensee
5 34 contributed to the work and the

~~registrant~~
- licensee in
5 35 responsible charge has signed and certified the work.
6 1 5. Violation of this section by a

~~registrant~~
- licensee
6 2 shall be deemed fraud and deceit in the

~~registrant's~~
-
6 3 licensee's practice.
6 4 Sec. 4. Sections 542B.3, 542B.10, 542B.11, 542B.18,
6 5 542B.20, and 542B.35, Code 1995, are amended by striking from
6 6 the sections the word "registered" and inserting in lieu
6 7 thereof the word "licensed".
6 8 Sec. 5. Sections 542B.1 and 542B.26, Code Supplement 1995,
6 9 are amended by striking from the section the word "registered"
6 10 and inserting in lieu thereof the word "licensed".
6 11 Sec. 6. Section 542B.20, Code 1995, is amended by striking
6 12 from the sections the word "registrant's" and inserting in

6 13 lieu thereof the word "licensee's".

6 14 Sec. 7. Section [542B.21](#), Code Supplement 1995, is amended
6 15 by striking from the section the word "registrant's" and
6 16 inserting in lieu thereof the word "licensee's".

6 17 Sec. 8. Section [542B.18](#), Code 1995, is amended by striking
6 18 from the sections the word "registrant" and inserting in lieu
6 19 thereof the word "licensee".

6 20 Sec. 9. Section [542B.21](#), Code Supplement 1995, is amended
6 21 by striking from the section the word "registrant" and
6 22 inserting in lieu thereof the word "licensee".

6 23 Sec. 10. Sections [542B.6](#), [542B.10](#), [542B.11](#), [542B.15](#),
6 24 [542B.18](#), [542B.19](#), [542B.20](#), [542B.25](#), and [542B.30](#), Code 1995,
6 25 are amended by striking from the sections the word
6 26 "registration" and inserting in lieu thereof the word
6 27 "licensure".

6 28 Sec. 11. Sections [542B.13](#), [542B.14](#), [542B.17](#), [542B.21](#), and
6 29 [542B.26](#), Code Supplement 1995, are amended by striking from
6 30 the sections the word "registration" and inserting in lieu
6 31 thereof the word "licensure".

6 32 EXPLANATION

6 33 This bill amends sections of chapter 542B which relates to
6 34 the regulation of professional engineers and land surveyors.

6 35 Section 542B.2 is amended by rewriting the definition of
7 1 the practice of "land surveying".

7 2 Section 542B.7 is amended by making stylistic changes.

7 3 Section 542B.16 is amended by making stylistic changes,
7 4 conforming changes relating to the licensure of professional
7 5 engineers, and by striking language that provides that if an
7 6 engineering or land surveying document complies with the
7 7 requirements of section 542B.16, then reproductions are also
7 8 deemed to be in compliance if the date, signature,
7 9 certificate, and registration number are legibly reproduced.

7 10 Sections 4 through 11 of the bill amend sections in chapter
7 11 542B by striking the words "registered", "registrant's",
7 12 "registrant", and "registration", and inserting the words
7 13 "licensed", "licensee's", "licensee", and "licensure".

7 14 BACKGROUND STATEMENT

7 15 SUBMITTED BY THE AGENCY

7 16 Proposed changes to chapter 542B include the following:

7 17 "Registration" to "licensure". After studying the issue at
7 18 both the national and state level, engineering licensing
7 19 boards have determined that the term "registration" may be
7 20 confused with the various certification programs offered by
7 21 professional associations, which are not the same as
7 22 licensing. The term "license," as defined by Black's law
7 23 dictionary clearly indicates permission by the appropriate
7 24 authority to perform an act which without such permission
7 25 would be illegal. Since this definition of "license"
7 26 accurately describes the authority to practice engineering or
7 27 land surveying in Iowa law, a global change for all of chapter
7 28 542B is proposed. Both the national council of examiners for
7 29 engineering and surveying (NCEES) and the national society of
7 30 professional engineers (NSPE) have endorsed this change. The
7 31 NCEES formally adopted this language at its annual meeting in
7 32 August 1995 and will modify its model licensing law and rules
7 33 accordingly. NSPE will use "license" in all new publications.

7 34 Section 542B.2 Terms defined. A new definition of the
7 35 practice of land surveying is proposed. The existing
8 1 definition is very narrow and does not specifically recognize
8 2 the evolution of technology as it pertains to land surveying.
8 3 The new definition describes in detail the responsibilities of
8 4 land surveyors as well as the knowledge required, including
8 5 those needed to utilize new technology. The language of the
8 6 new definition was developed for the model law of the national
8 7 council of examiners for engineering and surveying (NCEES) and
8 8 adopted by the NCEES at its 1995 annual meeting.

8 9 Section 542B.16 Sealing requirement. Iowa currently does

8 10 not require the use of a seal for engineering documents.
8 11 Almost every other state requires a seal. In addition, other
8 12 Iowa design boards, such as the architectural board, require a
8 13 seal. This inconsistency has been confusing for the public
8 14 and made it difficult for building code officials to enforce
8 15 the law properly. To remedy this situation, the seal would be
8 16 made mandatory rather than optional for engineering documents.
8 17 Iowa Code chapter 355 already makes the seal mandatory for
8 18 land surveying documents.
8 19 LSB 3302DP 76
8 20 mj/sc/14.1