

Senate Study Bill 3067 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/BANKING DIVISION
BILL)

A BILL FOR

1 An Act relating to matters under the purview and authority of
2 the professional licensing and regulation bureau of the
3 banking division of the department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 354.2, subsections 15, 18, and 19, Code
2 2011, are amended to read as follows:

3 15. "*Plat of survey*" means the graphical representation of a
4 survey of one or more parcels of land, including a complete and
5 accurate description of each parcel within the plat, prepared
6 by a ~~registered~~ licensed professional land surveyor.

7 18. "*Subdivision plat*" means the graphical representation
8 of the subdivision of land, prepared by a ~~registered~~ licensed
9 professional land surveyor, having a number or letter
10 designation for each lot within the plat and a succinct name or
11 title that is unique for the county where the land is located.

12 19. "*Surveyor*" means a ~~registered~~ licensed professional land
13 surveyor who engages in the practice of land surveying pursuant
14 to chapter 542B.

15 Sec. 2. Section 354.4, subsection 3, paragraph c, Code 2011,
16 is amended to read as follows:

17 c. The plat shall be signed and dated by a surveyor, bear
18 the surveyor's Iowa ~~registration~~ license number and legible
19 seal, and shall show a north arrow and bar scale.

20 Sec. 3. Section 355.1, subsections 9, 11, and 12, Code 2011,
21 are amended to read as follows:

22 9. "*Plat of survey*" means a graphical representation of a
23 survey of one or more parcels of land, including a complete and
24 accurate description of each parcel within the plat, prepared
25 by a ~~registered~~ licensed professional land surveyor.

26 11. "*Subdivision plat*" means a graphical representation
27 of the subdivision of land, prepared by a ~~registered~~ licensed
28 professional land surveyor, having a number or letter
29 designation for each lot within the plat and a succinct name or
30 title that is unique for the county where the land is located.

31 12. "*Surveyor*" means a ~~registered~~ licensed professional land
32 surveyor who engages in the practice of land surveying pursuant
33 to chapter 542B.

34 Sec. 4. Section 355.6, subsection 1, Code 2011, is amended
35 to read as follows:

1 1. The surveyor shall confirm the prior establishment of
2 control monuments at each controlling corner on the boundaries
3 of the parcel or tract of land being surveyed. If no control
4 monuments exist, the surveyor shall place the monuments.
5 Control monuments shall be constructed of reasonably permanent
6 material solidly embedded in the ground and capable of being
7 detected by commonly used magnetic or electronic equipment.
8 The surveyor shall affix a cap of reasonably inert material
9 bearing an embossed or stencil cut marking of the Iowa
10 ~~registration~~ license number of the surveyor to the top of each
11 monument which the surveyor places.

12 Sec. 5. Section 355.7, subsection 15, Code 2011, is amended
13 to read as follows:

14 15. The plat shall contain a statement by a surveyor that
15 the work was done and the plat was prepared by the surveyor
16 or under the surveyor's direct personal supervision, shall be
17 signed and dated by the surveyor, and shall bear the surveyor's
18 Iowa ~~registration~~ license number and legible seal.

19 Sec. 6. Section 355.8, subsection 21, Code 2011, is amended
20 to read as follows:

21 21. The plat shall be accompanied by a description of
22 the land included in the subdivision and shall contain a
23 statement by the surveyor that the work was done and the plat
24 was prepared by the surveyor or under the surveyor's direct
25 personal supervision and shall be signed and dated by the
26 surveyor and bear the surveyor's Iowa ~~registration~~ license
27 number and legible seal.

28 Sec. 7. Section 355.11, subsection 2, paragraph f, Code
29 2011, is amended to read as follows:

30 *f.* The certificate shall contain a statement by the surveyor
31 that the work was done and the certificate was prepared by the
32 surveyor or under the surveyor's direct personal supervision
33 and shall be signed and dated by the surveyor and bear the
34 surveyor's Iowa ~~registration~~ license number and seal.

35 Sec. 8. Section 468.3, Code 2011, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 6A. The term "*land surveyor*" shall mean
3 a person licensed as a professional land surveyor under the
4 provisions of chapter 542B.

5 Sec. 9. Section 523I.314A, subsection 2, Code 2011, is
6 amended to read as follows:

7 2. Prior to the sale of interment rights in an undeveloped
8 area of a cemetery, internal reference markers shall be
9 installed and maintained no more than one hundred feet apart.
10 The internal reference markers shall be established with
11 reference to survey markers that are no more than two hundred
12 feet apart, have been set by a licensed professional land
13 surveyor and mapper, and have been documented in a land plat
14 of survey. Both the map and the land plat of survey shall be
15 maintained by the cemetery and made available upon request to
16 the commissioner and to members of the public.

17 Sec. 10. Section 542B.1, Code 2011, is amended to read as
18 follows:

19 **542B.1 Licensed engineers and surveyors.**

20 A person shall not engage in the practice of engineering or
21 land surveying in the state unless the person is a licensed
22 professional engineer or a licensed professional land surveyor
23 as provided in this chapter, except as permitted by section
24 542B.26.

25 Sec. 11. Section 542B.2, subsections 7 and 9, Code 2011, are
26 amended to read as follows:

27 7. The term "*land surveyor*" as used in this chapter shall
28 mean a person who engages in the practice of professional land
29 surveying as defined in this section. Unless the context
30 otherwise requires, any reference in this chapter to "*land*
31 *surveyor*" or "*land surveying*" means "*professional land surveyor*"
32 or "*professional land surveying*".

33 9. The term "*professional engineer*" as used in this chapter
34 means a person, who, by reason of the person's knowledge
35 of mathematics, the physical sciences, and the principles

1 of engineering, acquired by professional education or
2 practical experience, is qualified to engage in the practice
3 of engineering. Unless the context otherwise requires, any
4 reference in this chapter to "engineer" or "engineering" means
5 "professional engineer" or "professional engineering".

6 Sec. 12. Section 542B.3, Code 2011, is amended to read as
7 follows:

8 **542B.3 Engineering and land surveying examining board**
9 **created.**

10 An engineering and land surveying examining board is created
11 within the professional licensing and regulation bureau of
12 the banking division of the department of commerce. The
13 board consists of four members who are licensed professional
14 engineers, one member who is a licensed professional land
15 surveyor or a professional engineer who is also a licensed
16 professional land surveyor, and two members who are not
17 licensed professional engineers or licensed professional land
18 surveyors and who shall represent the general public. Members
19 shall be appointed by the governor subject to confirmation by
20 the senate. A licensed member shall be actively engaged in the
21 practice of engineering or land surveying and shall have been
22 so engaged for five years preceding the appointment, the last
23 two of which shall have been in Iowa. Insofar as practicable,
24 licensed engineer members of the board shall be from different
25 branches of the profession of engineering. Professional
26 associations or societies composed of licensed engineers or
27 licensed land surveyors may recommend the names of potential
28 board members whose profession is representative of that
29 association or society to the governor. However, the governor
30 is not bound by the recommendations. A board member shall not
31 be required to be a member of any professional association or
32 society composed of professional engineers or professional land
33 surveyors.

34 Sec. 13. Section 542B.11, Code 2011, is amended to read as
35 follows:

1 **542B.11 Staff — duties.**

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

8 Sec. 14. Section 542B.14, unnumbered paragraph 1, Code
9 2011, is amended to read as follows:

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

13 Sec. 15. Section 542B.14, subsection 2, unnumbered
14 paragraph 1, Code 2011, is amended to read as follows:

15 As a professional land surveyor:

16 Sec. 16. Section 542B.16, subsection 1, Code 2011, is
17 amended to read as follows:

18 1. Each licensee, upon licensure, shall obtain a seal of a
19 design approved by the board, bearing the licensee's name, Iowa
20 license number, and the words "professional engineer" or "land
21 "professional land surveyor" or both, as the case may be. A
22 legible rubber stamp or other facsimile of the seal may be used
23 and shall have the same effect as the use of the actual seal.

24 Sec. 17. Section 542B.17, Code 2011, is amended to read as
25 follows:

26 **542B.17 Certificate Engineer's certificate.**

27 The board shall issue a certificate of licensure as a
28 professional engineer to an applicant who has passed the
29 examination as a professional engineer and who has paid
30 an additional fee. The certificate shall be signed by the
31 chairperson and secretary of the board under the seal of the
32 board. The certificate shall authorize the applicant to engage
33 in the practice of engineering. The certificate shall not
34 carry with it the right to practice land surveying, unless
35 specifically so stated on the certificate, which permission

1 shall be granted by the board without additional fee in cases
2 where the applicant duly qualifies as a professional land
3 surveyor as prescribed by the rules of the board.

4 Sec. 18. Section 542B.18, Code 2011, is amended to read as
5 follows:

6 **542B.18 Expirations and renewals.**

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

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

29 Sec. 19. Section 542B.19, Code 2011, is amended to read as
30 follows:

31 **542B.19 Land surveyor's certificate.**

32 To any applicant who shall have passed the examination
33 as a professional land surveyor and who shall have paid an
34 additional fee as set by the board, the board shall issue
35 a certificate of licensure signed by its chairperson and

1 secretary under the seal of the board, which certificate shall
2 authorize the applicant to practice land surveying as defined
3 in this chapter and to administer oaths to assistants and to
4 witnesses produced for examination, with reference to facts
5 connected with land surveys being made by such professional
6 land surveyor.

7 Sec. 20. Section 542B.20, unnumbered paragraph 1, Code
8 2011, is amended to read as follows:

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

17 Sec. 21. Section 542B.24, Code 2011, is amended to read as
18 follows:

19 **542B.24 Injunction.**

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

26 Sec. 22. Section 542B.26, Code 2011, is amended to read as
27 follows:

28 **542B.26 Applicability of chapter.**

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

34 b. Corporations engaged in designing buildings or works for
35 public or private interests not their own shall be deemed to be

1 engaged in the practice of engineering within the meaning of
2 this chapter. With respect to such corporations all principal
3 designing or constructing engineers shall hold certificates of
4 licensure issued under this chapter. This chapter shall not
5 apply to corporations engaged solely in constructing buildings
6 and works.

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

16 Sec. 23. Section 542B.27, subsection 1, Code 2011, is
17 amended to read as follows:

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

23 a. Engages in or offers to engage in the practice of
24 professional engineering or professional land surveying.

25 b. Uses or employs the words "professional engineer" or
26 "land professional land surveyor", or implies authorization
27 to provide or offer professional engineering or professional
28 land surveying services, or otherwise uses or advertises any
29 title, word, figure, sign, card, advertisement, or other symbol
30 or description tending to convey the impression that the person
31 is a professional engineer or professional land surveyor or
32 is engaged in the practice of professional engineering or
33 professional land surveying.

34 c. Presents or attempts to use the certificate of licensure
35 or the seal of a professional engineer or professional land

1 surveyor.

2 *d.* Gives false or forged evidence of any kind to the board
3 or any member of the board in obtaining or attempting to obtain
4 a certificate of licensure.

5 *e.* Falsely impersonates any licensed professional engineer
6 or professional land surveyor.

7 *f.* Uses or attempts to use an expired, suspended, revoked,
8 or nonexistent certificate of licensure.

9 *g.* Knowingly aids or abets an unlicensed person who engages
10 in any activity identified in this subsection.

11 Sec. 24. Section 542B.35, subsection 2, paragraph c, Code
12 2011, is amended to read as follows:

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

17 Sec. 25. Section 543C.2, subsection 5, Code 2011, is amended
18 to read as follows:

19 5. The complete description of the land offered for
20 subdivision by lots, plots, blocks, or sales, with or without
21 streets, together with plats certified to by a duly ~~registered~~
22 professional land surveyor accompanied by a certificate
23 attached thereto showing the date of the completion of the
24 survey and of the making of the plat and the name of the
25 subdivision for the purpose of identification of the subdivided
26 land or any part thereof.

27 Sec. 26. Section 544A.10, Code 2011, is amended to read as
28 follows:

29 **544A.10 Renewals.**

30 Certificates of registration expire in ~~multiyear~~ intervals
31 as determined by the board. Registered architects shall renew
32 their certificates of registration and pay a renewal fee in
33 the manner prescribed by the board. The board shall prescribe
34 the conditions and reasonable penalties for renewal after a
35 certificate's expiration date.

1 Sec. 27. Section 544B.12, Code 2011, is amended to read as
2 follows:

3 **544B.12 Seal.**

4 Every professional landscape architect shall have a seal,
5 approved by the board, which shall contain the name of the
6 landscape architect and the words "Professional Landscape
7 Architect, State of Iowa", and such other words or figures as
8 the board may deem necessary. All landscape architectural
9 plans and specifications, prepared by such professional
10 landscape architect or under the supervision of such
11 professional landscape architect, shall be dated and bear the
12 legible seal of such professional landscape architect. Nothing
13 contained in this section shall be construed to permit the seal
14 of a professional landscape architect to serve as a substitute
15 for the seal of a registered architect, a licensed professional
16 engineer, or a licensed professional land surveyor whenever the
17 seal of an architect, engineer, or land surveyor is required
18 under the laws of this state.

19 Sec. 28. Section 544B.13, Code 2011, is amended to read as
20 follows:

21 **544B.13 Renewals.**

22 Certificates of licensure shall expire in ~~multiyear~~
23 intervals as determined by the board. Professional landscape
24 architects shall renew their certificates of licensure and pay
25 a renewal fee in the manner and amount prescribed by the board.
26 A person who fails to renew a certificate by the expiration
27 date shall be allowed to do so within thirty days following its
28 expiration, but the board may assess a reasonable penalty.

29 Sec. 29. Section 544B.20, subsection 4, Code 2011, is
30 amended to read as follows:

31 4. To affect or prevent the practice of land surveying by a
32 professional land surveyor ~~registered~~ licensed under the laws
33 of this state.

34 Sec. 30. Section 558A.4, subsection 1, paragraph b, Code
35 Supplement 2011, is amended to read as follows:

1 *b.* The disclosure statement may include a report or written
2 opinion prepared by a person qualified to make judgment based
3 on education or experience, as provided by rules adopted by
4 the commission, including but not limited to a professional
5 land surveyor licensed pursuant to chapter 542B, a geologist, a
6 structural pest control operator licensed pursuant to section
7 206.6, or a building contractor. The report or opinion on a
8 matter within the scope of the person's practice, profession,
9 or expertise shall satisfy the requirements of this section or
10 rules adopted by the commission regarding that matter required
11 to be disclosed. If the report or opinion is in response
12 to a request made for purposes of satisfying the disclosure
13 statement, the report or opinion shall indicate which part of
14 the disclosure statement the report or opinion satisfies.

15 Sec. 31. Section 568.15, Code 2011, is amended to read as
16 follows:

17 **568.15 How constituted.**

18 The members of the commission shall be selected with
19 reference to their fitness for the duties required and at least
20 one of them shall be a competent licensed professional land
21 surveyor and competent licensed professional civil engineer.

22 Sec. 32. Section 622.42, Code 2011, is amended to read as
23 follows:

24 **622.42 Field notes and plats.**

25 A copy of the field notes of any licensed professional
26 land surveyor, or a plat made by the surveyor and certified
27 under oath as correct, may be received as evidence to show the
28 shape or dimensions of a tract of land, or any other fact the
29 ascertainment of which requires the exercise of scientific
30 skill or calculation only.

31 Sec. 33. Section 633.249, Code 2011, is amended to read as
32 follows:

33 **633.249 Mode of setting off share in real estate.**

34 The referees may employ a licensed professional land
35 surveyor, and may cause the shares in real estate to be set off

1 by legally sufficient land descriptions. They shall make a
2 report of their proceedings to the court as early as reasonably
3 possible.

4 Sec. 34. Section 650.7, Code 2011, is amended to read as
5 follows:

6 **650.7 Commission.**

7 The court in which ~~said~~ the action is brought shall appoint
8 a commission of one or more disinterested licensed professional
9 land surveyors, who shall, at a date and place fixed by the
10 court in the order of appointment, proceed to locate the lost,
11 destroyed, or disputed corners and boundaries.

12 EXPLANATION

13 This bill relates to matters under the purview of the
14 professional licensing and regulation bureau of the banking
15 division of the department of commerce.

16 The bill updates provisions relating to land surveyors and
17 the practice of land surveying. The bill deletes outdated
18 references to "registered" land surveyors, substituting instead
19 the more current and accurate "licensed" land surveyors.
20 Additionally, to ensure consistency regarding references to
21 "professional engineers" or "licensed professional engineers",
22 the bill makes corresponding references to "professional land
23 surveyors" or "licensed professional land surveyors" where
24 appropriate.

25 The bill removes provisions relating to staff communication
26 by mail with professional engineers and land surveyors
27 regarding licensure status and removes references to
28 license expiration in multiyear intervals in connection
29 with professional engineers and land surveyors, registered
30 architects, and landscape architects.