

conviction; the rehabilitation, treatment, or restitution performed by the applicant or licensee; and any other factors the commission deems relevant. Character references may be required but shall not be obtained from licensed real estate brokers or salespersons.

8. To qualify for a license as a real estate broker, a person shall complete at least sixty contact hours of commission approved real estate education within twenty-four months prior to taking the broker examination. This education shall be in addition to the required salesperson prelicense course. The applicant shall have been a licensed real estate salesperson actively engaged in real estate for a period of at least twenty-four months preceding the date of application, or shall have had experience substantially equal to that which a licensed real estate salesperson would ordinarily receive during a period of twenty-four months, whether as a former broker or salesperson, a manager of real estate, or otherwise. However, if the commission finds that an applicant could not acquire employment as a licensed real estate salesperson because of conditions existing in the area where the person resides, the experience requirement of this ~~paragraph~~ subsection may be waived for that person by the commission.

9. A qualified applicant for a license as a real estate salesperson shall complete a commission approved short course in real estate education of at least thirty hours during the twelve months prior to taking the salesperson examination.

Sec. 2. Section 543B.29, subsection 5, Code 1995, is amended to read as follows:

5. ~~Conviction of a felony related to the profession or occupation of the licensee or conviction of a felony that would affect the licensee's ability to practice the profession of real estate broker and salesperson~~ an offense included in section 543B.15, subsection 3. For purposes of this section, "conviction" means a conviction for an indictable offense and includes a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, or plea of guilty plea, deferred judgment, or other finding of guilt is conclusive evidence.

Sec. 3. Section 543B.29, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Revocation of any professional license held by the licensee in this or any other jurisdiction.

Approved April 24, 1995

CHAPTER 65

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

H.F. 256

AN ACT relating to the definition of the practice of engineering and the suspension or revocation of the certificate of registration of a professional engineer or land surveyor.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 542B.1, Code 1995, is amended to read as follows:

542B.1 REGISTERED ENGINEERS AND SURVEYORS.

~~No~~ A person shall not engage in the practice ~~professional~~ of engineering or land surveying in the state unless the person is a registered professional engineer or a registered land surveyor as provided in this chapter, except as permitted by section 542B.26.

Sec. 2. Section 542B.2, unnumbered paragraphs 2, 4, and 8, Code 1995, are amended to read as follows:

The term "engineering documents" as used in this chapter includes all plans, specifications, drawings, and reports, if the preparation ~~thereof~~ of such documents constitutes or requires the practice of professional engineering.

The term "in responsible charge" as used in this chapter means having direct control of and personal supervision over any ~~professional engineering work or land surveying work or work involving the practice of engineering~~. One or more persons, jointly or severally, may be in responsible charge.

The term "professional engineer" as used in this chapter ~~shall mean~~ 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 ~~practice as hereinafter defined~~.

Sec. 3. Section 542B.2, unnumbered paragraphs 9 and 10, Code 1995, are amended by striking the paragraphs and inserting in lieu thereof the following:

NEW UNNUMBERED PARAGRAPH. "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:

1. Practices any branch of the profession of engineering.
2. Makes a representation by verbal claim, sign, advertisement, letterhead, card, or other manner that the person is a professional engineer.
3. Uses any title which implies that the person is a professional engineer or that the person is certified under this chapter.
4. The person holds themselves out as able to perform, or who does perform, any service or work included in the practice of engineering.

Sec. 4. Section 542B.13, Code 1995, is amended to read as follows:

542B.13 APPLICATIONS AND EXAMINATION FEES.

Applications for registration 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 registration 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 ~~only if the felony conviction relates directly to the practice of engineering or land surveying.~~ The board may require that an applicant submit references. Applications for examination in fundamentals in ~~professional~~ 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.

Sec. 5. Section 542B.14, subsection 1, paragraph d, Code 1995, is amended to read as follows:

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

Sec. 6. Section 542B.17, Code 1995, is amended to read as follows:
542B.17 CERTIFICATE.

~~To any applicant who shall have passed the examination as a professional engineer and who shall have paid an additional fee, the~~ The board shall issue a certificate of registration 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 such the board, which. The certificate shall authorize the applicant to engage in the practice professional of engineering as defined in this chapter. The amount of the fee shall be determined by the board pursuant to sections 542B.30 to 542B.32. Such ~~The~~ certificate shall not carry with it the right to practice land surveying, unless specifically so stated ~~in said~~ 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 ~~said~~ the board.

Sec. 7. Section 542B.21, subsection 5, Code 1995, is amended to read as follows:

5. Conviction of a felony ~~related to the profession or occupation of the registrant or the conviction of any felony that would affect the registrant's ability to practice professional engineering or land surveying~~ 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.

Sec. 8. Section 542B.21, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Revocation or suspension of registration 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.

Sec. 9. Section 542B.26, Code 1995, is amended to read as follows:
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 professional of engineering within the meaning of this chapter. With respect to such corporations all principal designing or constructing engineers shall hold certificates of registration ~~hereunder 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 registered under this chapter if such assistant is not placed in responsible charge of any professional work involving the practice of engineering or land surveying work, nor to the operation and/or or maintenance of power and mechanical plants or systems.

Approved April 24, 1995

CHAPTER 66
ELECTRONIC TRANSFER OF FUNDS
H.F. 520

AN ACT relating to electronic transfer of funds and establishing certain requirements for full-function point-of-sale terminals and electronic funds transfer facilities maintained or operated by a national card association, establishing a civil penalty, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 527.2, subsection 10, Code 1995, is amended to read as follows:

10. "Limited-function terminal" means an on-line point-of-sale terminal or an off-line point-of-sale terminal which satisfies the requirements of section 527.4, subsection 3, paragraph "d", or a multiple use terminal, which is not operated in a manner to accept an electronic personal identifier, ~~and which is not operated to distinguish between transactions which affect a customer asset account and transactions which do not affect a customer asset account.~~ Except as otherwise provided, a limited-function terminal shall not be subject to the requirements imposed upon other satellite terminals pursuant to sections 527.4 and 527.5, subsections 1, 2, 3, 7, and 9.

Sec. 2. Section 527.3, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. An administrator may issue any order necessary to secure compliance with or prevent a violation of this chapter or the rules adopted pursuant to this chapter, regarding the establishment and operation of a satellite terminal, limited-function terminal, upgraded, altered, modified, or replaced limited-function terminal, and any other device or facility with which such terminal is interconnected. A person who violates a provision of this chapter or any rule or any order issued pursuant to this chapter is subject to a civil penalty not to exceed one thousand dollars for each day the violation continues. A person aggrieved by an order of an administrator may appeal the order by filing a written notice of appeal with the administrator within thirty days of the issuance of the order. The administrator shall schedule a hearing for the purpose of hearing the arguments of the aggrieved person within thirty days of the filing of the notice of appeal. The provisions of chapter 17A shall apply to all matters related to the appeal. The attorney general, on request of the administrator, shall institute any legal proceedings necessary to obtain compliance with an order of the administrator or to prosecute a person for a violation of the provisions of this chapter or rules adopted pursuant to this chapter.

Sec. 3. Section 527.5, subsection 12, Code 1995, is amended to read as follows:

12. a. If at any time, a limited-function terminal at a location as defined in section 527.4, subsection 3, paragraph "d", is replaced by a device constituting either an on-line or an off-line point-of-sale terminal which may be utilized to initiate transactions which affect customer asset accounts through the use of an electronic personal identifier, or is