

IN THE SENATE

SENATE BILL NO. 1286

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE,
TO DEFINE A TERM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1202, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1202. DEFINITIONS. As used in this chapter, unless the context or
subject matter requires otherwise:

(1) "Authoritative" means certified by a professional land surveyor in
accordance with established principles of professional land surveying when
used to describe products, processes, applications or data resulting from
the practice of professional land surveying.

(2) "Benchmark" means a material object, natural or artificial, whose
elevation is referenced to an adopted datum.

(3) "Board" means the Idaho board of licensure of professional engi-
neers and professional land surveyors, hereinafter provided by this chap-
ter.

(4) "Business entity" means a corporation, professional corporation,
limited liability company, professional limited liability company, general
partnership, limited partnership, limited liability partnership, profes-
sional limited liability partnership or any other form of business except a
sole proprietorship.

(5) "Consulting engineer" means a professional engineer whose prin-
cipal occupation is the independent practice of professional engineering;
whose livelihood is obtained by offering engineering services to the public;
who is devoid of public, commercial and product affiliation that might tend
to infer a conflict of interest; and who is cognizant of his public and legal
responsibilities, and is capable of discharging them.

(6) "Engineer" means a person who is qualified to practice engineering
by reason of his special knowledge and use of mathematical, physical and en-
gineering sciences, and the principles and methods of engineering analysis
and design, acquired by professional education and engineering experience.

(7) "Engineer intern" means a person who has qualified for, taken and
passed an examination in the fundamentals of engineering subjects as pro-
vided in this chapter.

(8) "Land surveyor intern" means a person who has qualified for, taken
and passed an examination in the fundamentals of surveying subjects as pro-
vided in this chapter.

(9) "Professional engineer" means a person who has been duly licensed
as a professional engineer by the board under this chapter.

(10) "Professional engineering" and "practice of professional engi-
neering" mean any service or creative work offered to or performed for the

1 public for any project physically located in this state, such as consulta-
 2 tion, investigation, evaluation, planning, designing, design coordination,
 3 teaching upper division engineering design subjects, and responsible charge
 4 of observation of construction in connection with any public or private
 5 utilities, structures, buildings, machines, equipment, processes, works or
 6 projects or to certify elevation information, wherein the public welfare or
 7 the safeguarding of life, health, or property is concerned or involved, when
 8 such service requires the application of engineering principles and data.
 9 A person shall be construed to practice or offer to practice professional
 10 engineering within the meaning and intent of this chapter who practices or
 11 offers to practice any of the branches of the profession of engineering for
 12 the public for any project physically located in this state or who, by verbal
 13 claim, sign, advertisement, letterhead, card, or in any other way represents
 14 himself to be a professional engineer or through the use of some other title
 15 implies that he is a professional engineer or that he is licensed under this
 16 chapter, or holds himself out as able to perform or who does perform for the
 17 public for any project physically located in this state, any engineering
 18 service or work or any other service designated by the practitioner which is
 19 the practice of professional engineering.

20 (11) (a) "Professional land surveying" and "practice of professional
 21 land surveying" mean responsible charge of authoritative land survey-
 22 ing services using sciences such as mathematics, geodesy and photogram-
 23 metry and involving:

24 (i) The making of geometric measurements and gathering related
 25 information pertaining to the physical or legal features of the
 26 earth, improvement on the earth, and the space above, on or below
 27 the earth; and

28 (ii) Providing, utilizing or developing the same into survey
 29 products such as graphics, data, maps, plans, reports, descrip-
 30 tions or projects. Professional services include acts of consul-
 31 tation, investigation, testimony, planning, mapping, assembling
 32 and interpreting and gathering measurements and information relat-
 33 ed to any one (1) or more of the following:

- 34 1. Determining by measurement the configuration or contour
- 35 of the earth's surface or the position of any fixed objects;
- 36 2. Performing geodetic surveys to determine the size and
- 37 shape of the earth or the position of any point on the earth;
- 38 3. Locating, relocating, establishing, reestablishing or
- 39 retracing property lines or boundaries of any tract of land,
- 40 road, right-of-way, easement or real property lease;
- 41 4. Making any survey for a division or subdivision or a con-
- 42 solidation of any tracts of land;
- 43 5. Locating or laying out of alignments, positions or eleva-
- 44 tions in the field for the construction of fixed works;
- 45 6. Determining, by the use of principles of surveying, the
- 46 position for any boundary or nonboundary survey monument or
- 47 reference point or for establishing or replacing any such
- 48 monument or reference point;
- 49 7. Certifying elevation information;
- 50 8. Preparing narrative land descriptions; or

1 9. Creating, preparing or modifying electronic or other
2 data necessary for the performance of activities in subpara-
3 graphs 1. through 8. of this paragraph.

4 (b) "Professional land surveying" and "practice of professional land
5 surveying" shall not mean:

6 (i) Mapping or geographic information system work that is for
7 nonauthoritative boundaries and nonauthoritative elevations;

8 (ii) Construction survey work that is unrelated to establishing
9 vertical and horizontal project control; or

10 (iii) Construction staking of fixed works or the development and
11 use of electronic models for machine-controlled construction that
12 by design are unrelated to determining boundaries described in
13 paragraph (a) (ii)3. of this subsection.

14 Any person shall be construed to practice or offer to practice professional
15 land surveying who engages in professional land surveying, or who, by ver-
16 bal claim, sign, advertisement, letterhead, card, or in any other way rep-
17 represents himself to be a professional land surveyor, or who represents him-
18 self as able to perform or who does perform any professional land surveying
19 service or work or any other service designated by the practitioner which is
20 professional land surveying.

21 (12) "Professional land surveyor" means a person who is qualified by
22 reason of his knowledge of the principles of land surveying acquired by ed-
23 ucation and practical experience to engage in the practice of professional
24 land surveying and who has been duly licensed as a professional land surveyor
25 by the board under this chapter.

26 (13) "Public" means any person, firm, corporation, partnership, com-
27 pany, government agency, institution or any other entity recognized by law.

28 (14) "Responsible charge" means the control and direction of engineer-
29 ing work, or the control and direction of land surveying work, requiring ini-
30 tiative, professional skill, independent judgment and professional knowl-
31 edge of the content of relevant documents during their preparation. Except
32 as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and
33 correcting, documents after they have been prepared by others does not con-
34 stitute the exercise of responsible charge.

35 (15) "Retired professional engineer" or "retired professional land
36 surveyor" means a professional licensed under this chapter who chooses to
37 place his license in retired status indicating he is no longer practicing or
38 offering to practice professional engineering or professional land survey-
39 ing.

40 (16) "Rules of professional responsibility" means those rules, if any,
41 promulgated by the board, as authorized by the Idaho Code.

42 (167) "Signature" means either: an original handwritten message iden-
43 tification containing the name of the person who applied it; or a digital
44 signature which is an electronic authentication process attached to or logi-
45 cally associated with an electronic document. The digital signature must be
46 unique to the person using it; must be capable of verification; must be un-
47 der the sole control of the person using it; and must be linked to a document
48 in such a manner that the digital signature is invalidated if any data in the
49 document is changed.

1 (178) "Standard design plan" means a building, structure, equipment or
2 facility which is intended to be constructed or sited at multiple locations
3 and for which some or all of the plans must be prepared by a professional en-
4 gineer.