

IN THE SENATE

SENATE BILL NO. 1007

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1208, IDAHO CODE,
2 TO PROVIDE THAT THE BOARD MAY REQUIRE MEDIATION OF DISPUTES BETWEEN PRO-
3 FESSIONAL LAND SURVEYORS AND TO MAKE TECHNICAL CORRECTIONS.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 54-1208, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-1208. BOARD -- POWERS. (1) The board shall have the power to adopt
9 and amend administrative rules including, but not limited to, rules of pro-
10 fessional responsibility, rules of continuing professional development
11 not to exceed sixteen (16) hours annually for each profession for which the
12 professional is licensed, and rules of procedure, not inconsistent with the
13 constitution and laws of this state, which may be reasonably necessary for
14 the proper performance of its duties and the administration of the chapter
15 and the regulation of proceedings before the board. These actions by the
16 board shall be binding upon persons licensed under this chapter and shall be
17 applicable to business entities holding a certificate of authorization as
18 provided in section 54-1235, Idaho Code. It shall adopt and have an official
19 seal which shall be affixed to each license and certificate issued. It shall
20 have power to provide an office, office equipment and facilities and such
21 books and records as may be reasonably necessary for the proper performance
22 of its duties.

23 (2) In carrying into effect the provisions of this chapter, the board
24 may subpoena witnesses and compel their attendance, and also may require the
25 submission of books, papers, documents, or other pertinent data in any dis-
26 ciplinary matters or in any case wherever a violation of this chapter is al-
27 leged. Upon failure or refusal to comply with any such order of the board, or
28 upon failure to honor its subpoena as herein provided, the board may apply to
29 any court of any jurisdiction to enforce compliance with same.

30 (3) The board is hereby authorized in the name of the state to apply for
31 relief by injunction in the established manner provided in cases of civil
32 procedure, without bond, to enforce the provisions of this chapter or to re-
33 strain any violation thereof. Venue for all such actions shall be in the dis-
34 trict court of the fourth judicial district, Ada county, Idaho.

35 (4) The board may subject an applicant for licensure or certification
36 to such examination as it deems necessary to determine qualifications.

37 (5) Any action, claim or demand to recover money damages from the board
38 or its employees, which any person is legally entitled to recover as compen-
39 sation for the negligent or otherwise wrongful act or omission of the board
40 or its employees, when acting within the course and scope of their employ-
41 ment, shall be governed by the Idaho tort claims act, chapter 9, title 6,
42 Idaho Code. For purposes of this section, the term "employees" shall in-

1 clude, in addition to those persons listed in section 6-902(4), Idaho Code,
2 special assignment members, emeritus members and any independent contrac-
3 tors while acting within the course and scope of their board-related work.

4 (6) The board may recommend arbitration of disputes between profes-
5 sional engineers or disputes between professional land surveyors. The board
6 may require mediation of disputes between professional land surveyors.