

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 12
ENGINEERS AND SURVEYORS

54-1201. DECLARATION OF POLICY. To safeguard life, health and property, every person practicing or offering to practice professional engineering or professional land surveying, as herein defined, for any project physically located in this state, shall submit evidence of his qualifications and be licensed as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice professional engineering or professional land surveying for any project physically located in this state, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a licensed professional engineer or professional land surveyor, unless such person has been duly licensed or is exempted under the provisions of this chapter. Except as exempted by section [54-1223](#), Idaho Code, an engineer shall be allowed to practice professional engineering as defined in this chapter only when he has become duly licensed as a professional engineer by the board under this chapter. Except as exempted by section [54-1223](#), Idaho Code, a land surveyor shall be allowed to practice professional land surveying as defined in this chapter only when he has become duly licensed as a professional land surveyor by the board under this chapter. The practice of professional engineering or professional land surveying shall be deemed a privilege granted by the Idaho board of licensure of professional engineers and professional land surveyors through the board, based on qualifications of the individuals as evidenced by the person's license, which shall not be transferable.

[54-1201, added 1939, ch. 231, sec. 1, p. 516; am. 1957, ch. 234, sec. 1, p. 547; am. 1986, ch. 140, sec. 1, p. 377; am. 1996, ch. 357, sec. 1, p. 1186; am. 2001, ch. 247, sec. 1, p. 890; am. 2008, ch. 378, sec. 2, p. 1024.]

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 engineers and professional land surveyors, hereinafter provided by this chapter.

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

(5) "Consulting engineer" means a professional engineer whose principal 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 engineering 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 been duly certified as an engineer intern as provided in this chapter.

(8) "Land surveyor intern" means a person who has been duly certified as a land surveyor intern by the board as provided in this chapter.

(9) "Professional boundary land survey" means land surveying services performed by a land surveyor licensed by this chapter and includes establishing, reestablishing, marking, or locating the corners or lines of:

- (a) Property boundaries;
- (b) The public land survey system;
- (c) Rights-of-way;
- (d) Easements;
- (e) Lease areas; or
- (f) Other interests in real property.

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

(11) "Professional engineering" and "practice of professional engineering" mean any service or creative work offered to or performed for the public for any project physically located in this state, such as consultation, investigation, evaluation, planning, designing, design coordination, teaching upper division engineering design subjects, and responsible charge of observation of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, or to certify elevation information, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service requires the application of engineering principles and data. A person shall be construed to practice or offer to practice professional engineering within the meaning and intent of this chapter who practices or offers to practice any of the branches of the profession of engineering for the public for any project physically located in this state or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is licensed under this chapter or holds himself out as able to perform or who does perform for the public for any project physically located in this state any engineering service or work or any other service designated by the practitioner that is the practice of professional engineering.

(12) (a) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving:

- (i) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and
- (ii) Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, de-

scriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

1. Determining by measurement the configuration or contour of the earth's surface or the position of any fixed objects;
2. Performing geodetic surveys to determine the size and shape of the earth or the position of any point on the earth;
3. Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease;
4. Making any survey for a division or subdivision or a consolidation of any tracts of land;
5. Locating or laying out of alignments, positions or elevations in the field for the construction of fixed works;
6. Determining, by the use of principles of surveying, the position for any boundary or nonboundary survey monument or reference point or for establishing or replacing any such monument or reference point;
7. Certifying elevation information;
8. Preparing narrative land descriptions; or
9. Creating, preparing or modifying electronic or other data necessary for the performance of activities in subparagraphs 1. through 8. of this paragraph.

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

- (i) Mapping or geographic information system work that is for nonauthoritative boundaries and nonauthoritative elevations;
- (ii) Construction survey work that is unrelated to establishing vertical and horizontal project control; or
- (iii) Construction staking of fixed works or the development and use of electronic models for machine-controlled construction that by design are unrelated to determining boundaries described in paragraph (a) (ii) 3. of this subsection.

Any person shall be construed to practice or offer to practice professional land surveying who engages in professional land surveying or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents himself to be a professional land surveyor or who represents himself as able to perform or who does perform any professional land surveying service or work or any other service designated by the practitioner that is professional land surveying.

(13) "Professional land surveyor" means a person who is qualified by reason of his knowledge of the principles of land surveying acquired by education and practical experience to engage in the practice of professional land surveying and who has been duly licensed as a professional land surveyor by the board under this chapter.

(14) "Public" means any person, firm, corporation, partnership, company, government agency, institution or any other entity recognized by law.

(15) "Responsible charge" means the control and direction of engineering work, or the control and direction of land surveying work, requiring initiative, professional skill, independent judgment and professional knowledge of the content of relevant documents during their preparation. Except as allowed under section [54-1223](#), Idaho Code, reviewing, or reviewing and

correcting, documents after they have been prepared by others does not constitute the exercise of responsible charge.

(16) "Retired professional engineer" or "retired professional land surveyor" means a professional licensed under this chapter who chooses to place his license in retired status indicating he is no longer practicing or offering to practice professional engineering or professional land surveying.

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

(18) "Standard design plan" means a building, structure, equipment or facility that is intended to be constructed or sited at multiple locations and for which some or all of the plans must be prepared by a professional engineer.

(19) "Survey monuments used as control" means any monument marking, referencing, or used as a witness for a line or corner in any professional boundary land survey as defined in subsection (9) of this section.

[54-1202, added 1939, ch. 231, sec. 2, p. 516; am. 1957, ch. 234, sec. 2, p. 547; am. 1961, ch. 258, sec. 1, p. 422; am. 1978, ch. 170, sec. 1, p. 372; am. 1986, ch. 140, sec. 2, p. 377; am. 1996, ch. 357, sec. 2, p. 1187; am. 2000, ch. 289, sec. 1, p. 991; am. 2001, ch. 247, sec. 2, p. 890; am. 2002, ch. 6, sec. 1, p. 6; am. 2007, ch. 219, sec. 1, p. 655; am. 2008, ch. 378, sec. 3, p. 1024; am. 2011, ch. 136, sec. 10, p. 389; am. 2013, ch. 339, sec. 1, p. 886; am. 2014, ch. 235, sec. 1, p. 594; am. 2015, ch. 116, sec. 1, p. 300; am. 2016, ch. 61, sec. 1, p. 195; am. 2020, ch. 127, sec. 1, p. 396; am. 2022, ch. 43, sec. 4, p. 116.]

54-1203. IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS. There is hereby established in the division of occupational and professional licenses the Idaho board of licensure of professional engineers and professional land surveyors. It shall consist of seven (7) persons, appointed by the governor who may consider recommendations for appointment to the board from any organized and generally recognized state engineering society in this state, any organized and generally recognized state land surveying society in this state and from any individual residing in this state. The board shall be comprised of four (4) persons licensed as professional engineers, two (2) persons licensed as professional land surveyors and one (1) person who shall be a member of the general public with an interest in the rights of consumers of engineering and land surveying services. The members of the board shall have the qualifications required by section [54-1204](#), Idaho Code. Each member of the board shall take, subscribe and file the oath required by [chapter 4, title 59](#), Idaho Code, before entering upon the duties of the office. On the expiration of the term of any member, a successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation, removal or inability of a member to serve for any reason, shall be for the unexpired portion of the term. A member of the board shall hold office until the expiration of the term for which he was appointed and until his successor has been appointed and qualified. A member, after serving two (2) consecutive full terms in addition to any unexpired portion of a term, shall not be reappointed for a period of two (2) years. The board, on its own initiative, may appoint any former member as an emeritus member for special assignment to assist the board in the administration of this chapter.

[54-1203, added 1939, ch. 231, sec. 3, p. 516; am. 1974, ch. 13, sec. 109, p. 138; am. 1978, ch. 170, sec. 2, p. 373; am. 1986, ch. 140, sec. 3, p. 379; am. 1996, ch. 357, sec. 3, p. 1189; am. 2008, ch. 378, sec. 4, p. 1028; am. 2015, ch. 114, sec. 1, p. 294; am. 2016, ch. 340, sec. 14, p. 939; am. 2021, ch. 222, sec. 11, p. 627.]

54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall be citizens of the United States and residents of this state; and except for the public member, they shall have been engaged for at least twelve (12) years in the practice of engineering for the professional engineer members or land surveying for the professional land surveyor members, shall have been in responsible charge for at least five (5) years of important professional engineering or professional land surveying work, and shall be licensed under the provisions of this chapter. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important professional engineering or professional land surveying work.

[54-1204, added 1939, ch. 231, sec. 4, p. 516; am. 1957, ch. 234, sec. 3, p. 547; am. 1978, ch. 170, sec. 3, p. 374; am. 1986, ch. 140, sec. 4, p. 380; am. 1996, ch. 357, sec. 4, p. 1189; am. 2008, ch. 378, sec. 5, p. 1028; am. 2015, ch. 114, sec. 2, p. 295; am. 2016, ch. 340, sec. 15, p. 940.]

54-1205. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall be compensated as provided by section [59-509](#)(i), Idaho Code, when attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual travel, per diem, incidentals and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

[54-1205, added 1939, ch. 231, sec. 5, p. 516; am. 1957, ch. 234, sec. 4, p. 547; am. 1978, ch. 170, sec. 4, p. 374; am. 1980, ch. 247, sec. 59, p. 624; am. 1986, ch. 140, sec. 5, p. 380; am. 2000, ch. 289, sec. 2, p. 993; am. 2007, ch. 219, sec. 2, p. 657.]

54-1206. REMOVAL OF BOARD MEMBERS AND FILLING VACANCIES. Board members shall serve at the pleasure of the governor. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in section [54-1203](#), Idaho Code.

[54-1206, added 1939, ch. 231, sec. 6, p. 516; am. 1986, ch. 140, sec. 6, p. 380; am. 2016, ch. 340, sec. 16, p. 940.]

54-1207. BOARD -- ORGANIZATION AND MEETINGS. The board shall hold at least one (1) regular meeting each year. The rules of the board may provide for additional regular meetings and for special meetings. Notice of all meetings shall be given as may be provided in the rules. The board shall annually elect a chairman, a vice chairman and a secretary, who shall be members of the board. Four (4) members shall constitute a quorum.

[54-1207, added 1939, ch. 231, sec. 7, p. 516; am. 1978, ch. 170, sec. 5, p. 374; am. 1996, ch. 357, sec. 5, p. 1190; am. 2000, ch. 289, sec. 3, p. 993; am. 2015, ch. 114, sec. 3, p. 295; am. 2016, ch. 341, sec. 1, p. 966; am. 2021, ch. 221, sec. 4, p. 611.]

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

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

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

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

(5) Any action, claim or demand to recover money damages from the board or its employees which any person is legally entitled to recover as compensation for the negligent or otherwise wrongful act or omission of the board or its employees, when acting within the course and scope of their employment, shall be governed by the Idaho tort claims act, [chapter 9, title 6](#), Idaho Code. For purposes of this section, the term "employees" shall include, in addition to those persons listed in section [6-902](#)(4), Idaho Code, special assignment members, emeritus members and any independent contractors while acting within the course and scope of their board related work.

(6) The board may recommend arbitration of disputes between professional engineers or disputes between professional land surveyors.

[54-1208, added 1939, ch. 231, sec. 8, p. 516; am. 1957, ch. 234, sec. 5, p. 547; am. 1963, ch. 22, sec. 1, p. 163; am. 1974, ch. 13, sec. 110, p. 138; am. 1986, ch. 140, sec. 7, p. 380; am. 1990, ch. 192, sec. 1, p. 424; am. 1998, ch. 220, sec. 6, p. 758; am. 1999, ch. 273, sec. 1, p. 686; am. 2000, ch. 289, sec. 4, p. 993; am. 2001, ch. 247, sec. 3, p. 892; am 2008, ch. 378, sec. 6, p. 1029.]

54-1209. RECEIPTS AND DISBURSEMENTS -- OCCUPATIONAL LICENSES FUND. (1) The secretary of the board, or assistants thereto as may be designated by the board, shall receive and account for all moneys derived under the provisions of this chapter. All fees received by the board under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred by the board under

the provisions of this chapter shall be a charge against and paid from the fund for such purposes.

(2) The secretary of the board shall be bonded to the state of Idaho in the time, form, and manner prescribed in [chapter 8, title 59](#), Idaho Code.

(3) The administrator of the division of occupational and professional licenses shall carry out the duties set forth in [chapter 26, title 67](#), Idaho Code, and any other administrative duties on behalf of the board.

[54-1209, added 2021, ch. 224, sec. 40, p. 673.]

54-1210. RECORDS AND REPORTS. (1) The board shall keep a record of its proceedings and a record of all applications for licensure or certification, which record shall show: the name, date of birth and last known address of each applicant; the date of the application; the place of business of such applicant; his education, experience and other qualifications; type of examination required; whether or not the applicant was rejected; whether or not a certificate or license was granted; the dates of the action of the board; and any other information as may be deemed necessary by the board.

(2) The records of the board shall be prima facie evidence of the proceedings of the board set forth therein and the minutes thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(3) Board records and papers are subject to disclosure according to [chapter 1, title 74](#), Idaho Code.

[54-1210, added 1939, ch. 231, sec. 10, p. 516; am. 1957, ch. 234, sec. 6, p. 547; am. 1986, ch. 140, sec. 9, p. 382; am. 1990, ch. 213, sec. 76, p. 541; am. 1996, ch. 357, sec. 7, p. 1190; am. 2008, ch. 378, sec. 7, p. 1030; am. 2015, ch. 141, sec. 136, p. 481; am. 2021, ch. 174, sec. 1, p. 483.]

54-1211. ROSTER. A complete roster showing the names and last known addresses of all professional engineers, all professional land surveyors, all business entities holding certificates of authorization as required under section [54-1235](#), Idaho Code, and all who possess current certification as engineer interns and as land surveyor interns shall be maintained by the board in an electronic format available to the public.

[54-1211, added 1939, ch. 231, sec. 11, p. 516; am. 1961, ch. 258, sec. 2, p. 422; am. 1963, ch. 28, sec. 1, p. 169; am. 1978, ch. 170, sec. 7, p. 375; am. 1986, ch. 140, sec. 10, p. 383; am. 1991, ch. 30, sec. 11, p. 66; am. 1996, ch. 357, sec. 8, p. 1191; am. 2000, ch. 289, sec. 6, p. 995; am. 2008, ch. 278, sec. 8, p. 1030.]

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be issued until an applicant has successfully passed an examination given by or approved by the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, be issued to an applicant having habits or character that would justify revocation or suspension of his license or certificate, as provided in section [54-1220](#), Idaho Code. Except for military personnel stationed in the state of Idaho on military orders and

except for persons employed full-time in the state of Idaho, only residents of the state of Idaho and students enrolled at an Idaho university or college may qualify for initial licensure. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an intern or licensure as a professional engineer or professional land surveyor:

(1) As a professional engineer:

(a) Graduation from an approved engineering program of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of examinations on the fundamentals of engineering and professional engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program, passage of examinations on the fundamentals of engineering and professional engineering acceptable to the board, and a specific record, after graduation, of four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:

(a) Graduation from an approved surveying program of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of examinations on the fundamentals of surveying and professional land surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional land surveying; or

(b) Graduation with a bachelor's degree in a related program from a school or college approved by the board as being of satisfactory standing, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program, passage of examinations on the fundamentals of surveying and professional land surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer intern:

(a) Passage of an examination on the fundamentals of engineering and graduation from an approved engineering program of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer intern;

(b) Passage of an examination on the fundamentals of engineering and graduation with a bachelor's degree in a related science from a school

or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program and indicating that the applicant is competent to be enrolled as an engineer intern; or

(c) Passage of an examination on the fundamentals of engineering and graduation with an engineering master's or doctoral degree approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program and indicating that the applicant is competent to be enrolled as an engineer intern.

(d) In the event the applicant passes the examination prior to graduation under the provisions of paragraph (a), (b) or (c) of this subsection, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor intern:

(a) Passage of an examination on the fundamentals of surveying and graduation from an approved surveying program of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor intern; or

(b) Passage of an examination on the fundamentals of surveying and graduation with a bachelor's degree in a related program from a school or college approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program and indicating that the applicant is competent to be enrolled as a land surveyor intern.

(c) In the event the applicant passes the examination prior to graduation from college under the provisions of paragraph (a) or (b) of this subsection, a certificate shall be issued only after the applicant graduates.

In counting years of experience for licensure as a professional engineer or professional land surveyor, the board may, at its discretion, give credit, not in excess of one (1) year, for satisfactory graduate study toward a master's degree and not in excess of an additional one (1) year for satisfactory graduate study toward a doctorate degree. In the event an applicant obtains a doctorate degree without first obtaining a master's degree, the board may, at its discretion, give credit, not in excess of two (2) years.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant, the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this chapter that otherwise entitle him for initial licensure or certification shall

be eligible although he may not be practicing his profession at the time of making his application.

The board may postpone acting on an application for certification or licensure if disciplinary or criminal action related to the applicant's practice has been taken or is pending in any other jurisdiction. The board may postpone the notification of examination results to applicants on any examination if there is any unresolved examination irregularity involving the applicant. The board may investigate and adjudicate the validity of examination irregularities and if the examination irregularities are substantiated, the board may invalidate the examination result of the applicant.

[54-1212, added 1939, ch. 231, sec. 12, p. 516; am. 1957, ch. 234, sec. 7, p. 547; am. 1961, ch. 258, sec. 3, p. 422; am. 1978, ch. 170, sec. 8, p. 371; am. 1986, ch. 140, sec. 11, p. 375; am. 1990, ch. 192, sec. 3, p. 424; am. 1992, ch. 61, sec. 1, p. 192; am. 1996, ch. 357, sec. 9, p. 1185; am. 1997, ch. 189, sec. 1, p. 514; am. 2000, ch. 289, sec. 7, p. 995; am. 2002, ch. 125, sec. 1, p. 350; am. 2003, ch. 15, sec. 1, p. 43; am. 2003, ch. 15, sec. 2, p. 46; am. 2004, ch. 84, sec. 1, p. 313; am. 2004, ch. 84, sec. 2, p. 315; am. 2008, ch. 378, sec. 9, p. 1030; am. 2008, ch. 378, sec. 10, p. 1033; am. 2010, ch. 111, sec. 1, p. 223; am. 2012, ch. 24, sec. 1, p. 78; am. 2015, ch. 48, sec. 3, p. 103; am. 2018, ch. 67, sec. 1, p. 159.]

54-1213. APPLICATIONS AND FEES. Applications for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be on forms prescribed and furnished by the board. The application shall show the applicant's education and a detailed summary of his engineering or land surveying experience. An applicant for licensure as a professional engineer or professional land surveyor shall furnish not less than five (5) references, of whom three (3) or more should be professional engineers or professional land surveyors, as applicable, having personal knowledge of the applicant's engineering or land surveying experience. Applications for certificates of authorization shall be made in accordance with section [54-1235](#), Idaho Code.

The maximum application fee for professional engineers or professional land surveyors seeking to be licensed by examination shall not exceed one hundred dollars (\$100). The application fee shall accompany the application. The examination fee, which shall be separate from the application fee, shall be paid by the applicant directly to the entity designated by the board.

The maximum application fee for an applicant who seeks a certificate as an engineer intern or land surveyor intern shall not exceed fifty dollars (\$50.00). The application fee shall accompany the application. The examination fee, which shall be separate from the application fee, shall be paid by the applicant directly to the entity designated by the board.

The maximum application fee for business entities seeking a certificate of authorization shall be two hundred dollars (\$200). The application fee shall accompany the application.

The amount of the license fee or certificate fee shall be fixed by the board prior to June 30 of any year and shall continue in force until changed.

Should the board deny the issuance of a certificate or license to any applicant, the application fee paid shall be retained as a processing fee.

[54-1213, added 1939, ch. 231, sec. 13, p. 516; am. 1957, ch. 234, sec. 8, p. 547; am. 1961, ch. 258, sec. 4, p. 422; am. 1963, ch. 23, sec. 1, p. 164; am. 1970, ch. 95, sec. 1, p. 238; am. 1978, ch. 170, sec. 9, p. 379; am. 1984, ch. 254, sec. 1, p. 605; am. 1986, ch. 140, sec. 12, p. 385; am. 1990, ch. 192, sec. 4, p. 428; am. 1996, ch. 357, sec. 10, p. 1194; am. 1998, ch. 220, sec. 7, p. 759; am. 2000, ch. 289, sec. 8, p. 997; am. 2001, ch. 247, sec. 4, p. 893; am. 2004, ch. 84, sec. 3, p. 317; am. 2008, ch. 378, sec. 11, p. 1035; am. 2009, ch. 20, sec. 1, p. 46; am. 2010, ch. 111, sec. 2, p. 225; am. 2012, ch. 24, sec. 2, p. 81.]

54-1214. EXAMINATIONS. (1) Examinations will be held at such times and places as the board directs. The board shall determine the acceptable grade on examinations.

(2) Written professional examinations may be taken only after the applicant has met the other minimum requirements as given in section [54-1212](#), Idaho Code. The following examinations shall be offered:

(a) Fundamentals of Engineering -- The examination consists of a test on the fundamentals of engineering acceptable to the board. Passing this examination qualifies the examinee for an engineer intern certificate, provided he has met all other requirements of certification required by this chapter.

(b) Principles and Practice of Engineering -- The professional engineering examination consists of a test on applied engineering acceptable to the board. Passing this examination qualifies the examinee for licensure as a professional engineer, provided he has met the other requirements for licensure required by this chapter.

(c) Fundamentals of Surveying -- The examination consists of a test on the fundamentals of surveying acceptable to the board. Passing this examination qualifies the examinee for a land surveyor intern certificate, provided he has met all other requirements for certification required by this chapter.

(d) Principles and Practice of Surveying -- The professional surveying examination consists of a test on applied surveying acceptable to the board. Passing this examination qualifies the examinee for licensure as a professional land surveyor, provided he has met the other requirements for licensure required by this chapter.

(3) A candidate failing all or part of a professional examination may request reexamination, which may be granted upon payment of a separate examination fee paid by the applicant directly to the entity designated by the board.

(4) The board may prepare and adopt specifications for the examinations in engineering and land surveying.

(5) The board may issue a restricted license to engineering faculty with an earned doctorate degree. The license shall be restricted to those licensees remaining employed by a college or university in this state and teaching upper division engineering courses. The board may waive technical examinations for such licenses in lieu of other requirements prescribed by rule. As used in this section, "restricted license" means a license to teach college or university upper division courses with an earned doctorate but without passing a technical examination.

[54-1214, added 1939, ch. 231, sec. 14, p. 516; am. 1957, ch. 234, sec. 9, p. 547; am. 1961, ch. 258, sec. 5, p. 422; am. 1970, ch. 95, sec. 2, p. 238; am. 1978, ch. 170, sec. 10, p. 380; am. 1984, ch. 254, sec. 2,

p. 606; am. 1986, ch. 140, sec. 13, p. 386; am. 1990, ch. 192, sec. 5, p. 429; am. 1996, ch. 357, sec. 11, p. 1195; am. 1998, ch. 220, sec. 8, p. 760; am. 2000, ch. 289, sec. 9, p. 998; am. 2008, ch. 378, sec. 12, p. 1036; am. 2009, ch. 20, sec. 2, p. 46; am. 2010, ch. 111, sec. 3, p. 225; am. 2015, ch. 48, sec. 4, p. 105; am. 2016, ch. 142, sec. 1, p. 409; am. 2018, ch. 67, sec. 2, p. 161.]

54-1215. LICENSE -- SEALS -- INTERN CERTIFICATES. (1) The board shall issue a license upon payment of the fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter for licensure as a professional engineer or professional land surveyor, and a certificate shall be issued to those who qualify as an engineer intern or a land surveyor intern. In the case of a professional engineer, the license shall authorize the practice of "professional engineering," and in the case of a professional land surveyor, the license shall authorize the practice of "professional land surveying." Licenses shall show the full name of the licensee, shall give a license number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights, privileges and responsibilities of a licensed professional engineer or of a licensed professional land surveyor, provided that said license has not expired or has not been retired, suspended, or revoked.

(3) Except for engineering faculty holding a restricted license pursuant to section [54-1214](#)(5), Idaho Code, each licensee hereunder shall, upon licensure, obtain a seal, the use and design of which are described in this section. It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the license of the licensee named thereon has expired or has been retired, suspended, or revoked, unless said license shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a) The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the licensee's signature and date shall be included adjacent to or across the seal.

(b) The seal, signature and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature and date shall be clearly marked as "draft," "not for construction" or with similar words to distinguish the document from a final document. In the event the final work product is preliminary in nature or contains the word "preliminary," such as a "preliminary engineering report," the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public.

(c) The seal and signature of the licensee and date shall be placed on all original documents in such a manner that such seal, signature and date are reproduced when the original document is copied. The application of the licensee's seal and signature and the date shall constitute

certification that the work thereon was done by him or under his responsible charge. Each plan or drawing sheet shall be sealed and signed and dated by the licensee or licensees responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed and dated by the licensee or licensees involved. Copies of electronically produced documents, listed in paragraph (b) of this subsection, distributed for informational uses such as for bidding purposes or working copies, may be issued with the licensee's seal and a notice that the original document is on file with the licensee's signature and the date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the licensee and the date.

(d) The seal and signature shall be used by licensees only when the work being stamped was under the licensee's responsible charge.

(e) The design of the seal shall be as determined by the board.

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter a certificate as an engineer intern or land surveyor intern. The engineer intern or land surveyor intern certificate does not authorize the certificate holder to practice as a professional engineer or a professional land surveyor.

[54-1215, added 1939, ch. 231, sec. 15, p. 516; am. 1957, ch. 234, sec. 10, p. 547; am. 1961, ch. 258, sec. 6, p. 422; am. 1978, ch. 170, sec. 11, p. 371; am. 1986, ch. 140, sec. 14, p. 375; am. 1996, ch. 357, sec. 12, p. 1185; am. 1997, ch. 49, sec. 1, p. 83; am. 2000, ch. 289, sec. 10, p. 991; am. 2001, ch. 247, sec. 5, p. 889; am. 2002, ch. 6, sec. 2, p. 6; am. 2007, ch. 219, sec. 3, p. 657; am. 2008, ch. 378, sec. 13, p. 1037; am. 2020, ch. 127, sec. 2, p. 399; am. 2022, ch. 43, sec. 5, p. 118.]

54-1216. EXPIRATIONS AND RENEWALS -- FEES. (1) Each licensee or intern shall apply for renewal by the last day of the month during which the licensee was born, in even-numbered state of Idaho fiscal years for those born in even-numbered calendar years and in odd-numbered state of Idaho fiscal years for those born in odd-numbered calendar years, and shall become invalid on that date unless renewed.

(2) Certificates of authorization for business entities shall expire annually on the last day of the month in which the certificates were initially issued and shall become invalid on that date unless renewed.

(3) Renewal shall be effective after the payment of a renewal fee to be fixed by the board at not more than one hundred fifty dollars (\$150) and upon completion of any requirements for renewal required by this chapter or administrative rule.

(4) The failure on the part of any licensee or certificate holder to renew his or its license or certificate before expiration shall not deprive such person or business entity of the right of renewal, but the fee to be paid for the renewal of a license or certificate after the month in which it is due shall be increased fifty percent (50%) for each month or fraction of a month that payment of renewal is delayed; provided however, that the maximum fee for delayed renewal shall not exceed five hundred dollars (\$500).

(5) Any work performed after a license or certificate of authorization has expired, but before delayed renewal has been effected, shall become valid upon delayed renewal as if the license or certificate of authorization

had not expired, but the licensee or certificate holder may be subject to disciplinary action by the board for practice on an expired license or such other action as provided pursuant to this chapter.

(6) The renewal of intern certificates shall be processed as prescribed in subsections (1) and (4) of this section for licensees, except that the biennial renewal fee shall not be more than thirty dollars (\$30.00). The failure on the part of any intern to effect renewal shall not invalidate his status as an engineer intern or land surveyor intern, but his name shall be removed from the board's mailing list.

[54-1216, added 1939, ch. 231, sec. 16, p. 516; am. 1953, ch. 162, sec. 1, p. 257; am. 1961, ch. 258, sec. 7, p. 422; am. 1963, ch. 24, sec. 1, p. 166; am. 1970, ch. 95, sec. 3, p. 238; am. 1978, ch. 170, sec. 12, p. 381; am. 1979, ch. 111, sec. 1, p. 355; am. 1984, ch. 254, sec. 3, p. 607; am. 1986, ch. 140, sec. 15, p. 389; am. 1990, ch. 192, sec. 6, p. 430; am. 1996, ch. 357, sec. 13, p. 1197; am. 2000, ch. 289, sec. 11, p. 1001; am. 2001, ch. 247, sec. 6, p. 895; am. 2008, ch. 378, sec. 14, p. 1038; am. 2010, ch. 111, sec. 4, p. 226; am. 2015, ch. 114, sec. 4, p. 295; am. 2020, ch. 127, sec. 3, p. 400.]

54-1218. PUBLIC WORKS. (1) It shall be unlawful for this state, or for any county, city, school district, irrigation district, drainage district, highway district, or other subdivision of the state having power to levy taxes or assessments against property situated therein, to engage in the construction of any public works when the public health or safety is involved unless the plans and specifications and estimates have been prepared by, and the construction reviewed by, a professional engineer.

(2) The provisions of this section shall not apply to public construction, reconstruction, maintenance and repair work that is governed by [chapter 12, title 42](#), Idaho Code; or public work that is insignificant, that is projects of less than ten thousand dollars (\$10,000) in total cost, performed by employees of the public agency and performed in accordance with standards for such work that have been certified by a professional engineer and duly adopted by the public agency's governing body including, but not limited to, the Idaho standards for public works construction and any supplements thereto, and only if a professional engineer determines that such public construction, reconstruction, maintenance and repair work does not represent a material risk to public health or safety.

[54-1218, added 1939, ch. 231, sec. 18, p. 516; am. 1978, ch. 170, sec. 14, p. 383; am. 2008, ch. 378, sec. 15, p. 1039; am. 2013, ch. 289, sec. 1, p. 762; am. 2014, ch. 97, sec. 32, p. 290; am. 2015, ch. 273, sec. 1, p. 1129.]

54-1219. COMITY LICENSURE -- FEE. The board, upon application therefor and the payment of a fee of not to exceed a maximum of one hundred fifty dollars (\$150), may issue a license as a professional engineer or professional land surveyor to any person who holds a license issued to the applicant by the proper authority of any state, territory or possession of the United States, the District of Columbia, or of a foreign country, provided that, in the opinion of the board, the applicant possesses the education, experience and examination credentials, or their equivalents, that were specified in the applicable licensing chapter in effect in this state at the time such license was issued, provided that a professional land surveyor applicant

must successfully pass a land surveying examination as prepared and administered by the board, and provided such state, territory, possession or country will license, without examination and upon substantially the same condition, to applicants holding licenses issued by the board under this chapter. In the event the applicant has been licensed and has practiced as a professional engineer or professional land surveyor in another jurisdiction for a minimum of eight (8) years, has no outstanding disciplinary action, and is in good standing under a licensing system which, in the opinion of the board, maintains substantially equivalent professional standards as required under this chapter, the board may, in its discretion, waive the requirement for satisfaction of prescriptive credentials in education and examination. The board may postpone acting on an application for a license by comity if disciplinary or criminal action related to the applicant's practice has been taken or is pending in any other jurisdiction.

[54-1219, added 1939, ch. 231, sec. 19, p. 516; am. 1957, ch. 234, sec. 11, p. 547; am. 1961, ch. 258, sec. 8, p. 422; am. 1970, ch. 95, sec. 4, p. 238; am. 1978, ch. 170, sec. 15, p. 384; am. 1984, ch. 254, sec. 4, p. 608; am. 1986, ch. 140, sec. 17, p. 390; am. 1990, ch. 192, sec. 8, p. 431; am. 1996, ch. 357, sec. 15, p. 1199; am. 2003, ch. 15, sec. 3, p. 48; am. 2008, ch. 378, sec. 16, p. 1040; am. 2012, ch. 24, sec. 3, p. 81.]

54-1220. DISCIPLINARY ACTION -- PROCEDURES. (1) Any affected party may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of any provision of this chapter, or violation of any of the rules promulgated by the board, against any individual licensee or certificate holder or against any business entity holding a certificate of authorization or against a person applying for a license or against a business entity applying for a certificate of authorization. Repeated acts of negligence may be considered as a gross act for disciplinary action. Such charges shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the executive director of the board. The executive director of the board shall be considered an affected party and may be the person making and filing the charges.

(2) All charges, unless dismissed by the board as unfounded or de minimis, or unless settled informally, shall be heard by the board within six (6) months after the date they were received at the board office unless such time is extended by the board for justifiable cause.

(3) Administrative proceedings shall be governed by the provisions of [chapter 52, title 67](#), Idaho Code.

(4) If, after an administrative hearing, the board votes in favor of sustaining the charges, the board may, in its discretion, impose an administrative penalty, not to exceed five thousand dollars (\$5,000) for deposit in the general fund of the state of Idaho. In addition, the board, in its discretion, may admonish, reprimand, suspend, revoke, refuse to renew, refuse to grant, or any combination thereof, the individual's license or certificate or a business entity's certificate of authorization. The board may also, in its discretion, require the individual to practice under the supervision of another licensee or require the individual to successfully complete continuing education courses as may be prescribed by the board.

(5) Notwithstanding the provisions of subsection (4) of this section, any person who has violated the recordkeeping or continuing professional development requirements imposed by the rules of the board may, in lieu of disciplinary proceedings under this chapter or [chapter 52, title 67](#),

Idaho Code, elect to pay the board a penalty in the amount of four hundred dollars (\$400) for a first-time violation. Upon successful completion of the recordkeeping or continuing professional development requirements and payment of the penalty, the violation shall not be considered disciplinary action under the provisions of this section and shall not be reported to any national disciplinary database.

(6) The board shall have jurisdiction over licensees and certificate holders whose licenses and certificates are not current, provided the action relates to services performed when the license was current and valid.

[54-1220, added 1939, ch. 231, sec. 20, p. 516; am. 1957, ch. 234, sec. 12, p. 547; am. 1963, ch. 25, sec. 1, p. 167; am. 1978, ch. 170, sec. 16, p. 384; am. 1986, ch. 140, sec. 18, p. 391; am. 1991, ch. 21, sec. 1, p. 44; am. 1993, ch. 216, sec. 63, p. 646; am. 1996, ch. 357, sec. 16, p. 1199; am. 2000, ch. 289, sec. 12, p. 1002; am. 2001, ch. 247, sec. 7, p. 896; am. 2004, ch. 84, sec. 4, p. 318; am. 2007, ch. 219, sec. 4, p. 659; am. 2008, ch. 378, sec. 17, p. 1040; am. 2010, ch. 111, sec. 5, p. 227; am. 2013, ch. 339, sec. 2, p. 888; am. 2015, ch. 114, sec. 5, p. 296; am. 2020, ch. 127, sec. 4, p. 401.]

54-1221. REISSUANCE OF WALL LICENSES AND CERTIFICATES. A new wall license or certificate to replace any that was previously revoked, lost, destroyed, or mutilated may be issued upon payment of ten dollars (\$10.00).

[54-1221, added 2020, ch. 127, sec. 6, p. 402.]

54-1222. VIOLATIONS AND PENALTIES -- PROSECUTION OF OFFENSES. Any person who shall practice, or offer to practice, professional engineering or professional land surveying in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license or certificate, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked license or practice at any time during a period the board has suspended or revoked his license, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor.

Legal counsel selected by the board, or the attorney general of this state or anyone designated by him may act as legal advisor of the board. It shall be the duty of the attorney general of this state to enforce the provisions of this chapter relating to unlicensed practice and to prosecute any unlicensed person violating the same. The attorney general shall be reimbursed by the board for any fees and expenses incurred by the attorney general in representing the board or prosecuting unlicensed persons.

[54-1222, added 1939, ch. 231, sec. 22, p. 516; am. 1957, ch. 234, sec. 14, p. 547; am. 1974, ch. 13, sec. 111, p. 138; am. 1978, ch. 170, sec. 17, p. 385; am. 1986, ch. 140, sec. 20, p. 392; am. 2000, ch. 289, sec. 13, p. 1003; am. 2008, ch. 378, sec. 19, p. 1041.]

54-1223. SAVING CLAUSE -- EXEMPTIONS. (1) This chapter shall not be construed to affect:

(a) The practice of any other profession or trade for which a license is required under any law of this state or the United States.

(b) The work of an employee or a subordinate of a person holding a license under this chapter, provided such work does not include final engineering design or land surveying decisions and is done under the direct responsibility, checking, and supervision of, and verified by, a person holding a license under this chapter.

(c) Any individual teaching upper division engineering subjects that are classified as engineering design for any college or university in this state as of July 1, 1988, and any such individual employed after July 1, 1988, for a period of five (5) years from the date of employment with any college or university in this state.

(d) An individual doing surveying work for himself, or through a business entity, on property owned or leased by the individual or business entity, or in which the individual or business entity has an interest, estate or possessory right and which affects exclusively the property or interests of the individual or business entity; provided, that all land surveying maps, plats or plans filed with any county recorder's office in the state of Idaho for the purpose of illustrating or defining boundaries of property ownership, shall be made by a licensed professional land surveyor as provided in this chapter.

(e) An individual doing survey work for himself, or through a business entity with respect to the location, amendment, or relocation of a mining claim.

(f) The practice of engineering by employees of a business entity as long as the services provided by them are for internal business entity use only.

(2) The board, at its discretion, may exempt an exceptional individual who has twelve (12) or more years of appropriate experience in engineering from the requirement for satisfactory completion of an examination in the fundamentals of engineering.

(3) An applicant for licensure as a professional engineer either by examination or by comity who has earned a bachelor degree in engineering from an approved engineering program and has, in addition, earned a doctorate degree in engineering from a college or university which offers an approved undergraduate program in the same discipline as the doctorate degree earned, shall be exempt from the requirement for satisfactory completion of an examination in the fundamentals of engineering. Honorary doctorate degrees are not considered earned degrees for purposes of this subsection.

(4) In addition to, and notwithstanding other provisions of this chapter, in circumstances of emergency creating conditions of imminent and substantial danger to the public health, safety or environment through the provision of engineering services, the prosecuting attorney or the attorney general may institute a civil action for an immediate injunction to halt the provision of engineering services.

(5) A professional engineer licensed in Idaho may review the work of a professional engineer who is licensed in another jurisdiction of the United States or a foreign country on a project that is a site adaptation of a standard design plan to determine that the standard design plan meets the standard of care and is applicable to the intended circumstance, with or without modification. The Idaho professional engineer shall demonstrate responsible charge, as defined in this chapter, by performing professional services related to his assignment including developing or obtaining a

complete design record with design criteria and calculations, performing necessary code research and developing any necessary and appropriate changes to the standard design plan necessary to properly apply the standard design to the intended circumstance. The nonprofessional services, such as drafting, need not be redone by the Idaho professional engineer, but must clearly and accurately reflect the Idaho professional engineer's work. The burden is on the Idaho professional engineer to show such compliance. The Idaho professional engineer shall have control of and responsibility for the entire work product, shall seal, sign and date it as required in this chapter, and shall be in possession of all original documents or certified copies of documents related to the professional engineer's work for the project.

(6) In the event a licensee in responsible charge of a project leaves employment, is transferred, is promoted, becomes incapacitated, dies or is otherwise not available to seal, sign and date final documents, the duty of responsible charge of the project shall be accomplished by the successor licensee by becoming familiar with and reviewing, in detail, and retaining the project documents to date. Subsequent work on the project must clearly and accurately reflect the successor licensee's responsible charge. The successor licensee shall seal, sign and date all work product in conformance with section [54-1215](#), Idaho Code.

[54-1223, added 1939, ch. 231, sec. 23, p. 516; am. 1957, ch. 234, sec. 15, p. 547; am. 1970, ch. 95, sec. 5, p. 238; am. 1978, ch. 170, sec. 18, p. 386; am. 1984, ch. 254, sec. 5, p. 608; am. 1986, ch. 140, sec. 21, p. 393; am. 1990, ch. 192, sec. 9, p. 432; am. 1994, ch. 356, sec. 1, p. 1116; am. 1996, ch. 357, sec. 17, p. 1200; am. 1999, ch. 273, sec. 2, p. 686; am. 2000, ch. 289, sec. 14, p. 1003; am. 2001, ch. 247, sec. 9, p. 897; am. 2002, ch. 6, sec. 3, p. 9; am. 2006, ch. 137, sec. 1, p. 392; am. 2007, ch. 219, sec. 5, p. 659; am. 2008, ch. 378, sec. 20, p. 1042; am. 2010, ch. 111, sec. 6, p. 228.]

54-1225. APPEALS. Any person or organization who shall feel aggrieved by any action of the board in denying, suspending or revoking a license or certificate or certificate of authorization, as is appropriate, may appeal therefrom in accordance with the provisions of the administrative procedure act, [chapter 52, title 67](#), Idaho Code.

[54-1225, added 1939, ch. 231, sec. 25, p. 516; am. 1957, ch. 234, sec. 16, p. 547; am. 1978, ch. 170, sec. 19, p. 387; am. 2008, ch. 378, sec. 21, p. 1043.]

54-1226. SEPARABILITY. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

[54-1226, added 1939, ch. 231, sec. 26, p. 516; am. 2000, ch. 289, sec. 16, p. 1004.]

54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL ENGINEERS. (1) Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of

each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section [54-1202](#), Idaho Code, that is not preliminary in nature, to set permanent and reliable magnetically detectable monuments at all unmonumented corners field-located, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod, or a metallic post or pipe one (1) inch in least dimension and two (2) feet long with minimum wall thickness of nominal one-eighth (1/8) inch, or other more substantial monuments designed specifically for use as a survey monument. Such monuments must be substantially in the ground, stable, and permanently marked with the license number of the professional land surveyor responsible for placing the monument.

(2) Where special circumstances preclude use of such monuments, the professional land surveyor must place an alternate, stable, permanent monument that is magnetically detectable and marked with the license number of the professional land surveyor placing the monument.

(3) Where the corner position cannot be monumented due to special circumstances, the professional land surveyor must establish reference monuments or a witness corner and mark them as such.

(4) Any found nonmagnetically detectable monument must be remonumented with a magnetically detectable monument compliant with subsections (1) through (3) of this section.

(5) Professional engineers qualified and duly licensed pursuant to this chapter may also perform those other surveys necessary and incidental to their work.

[54-1227, added 1903, sec. 7, p. 81; reen. R.C. & C.L., sec. 1408; C.S., sec. 2240; am. 1921, ch. 158, sec. 1, p. 351; I.C.A., sec. 53-2306; am. 1957, ch. 234, sec. 17, p. 547; am. 1978, ch. 170, sec. 20, p. 388; am. 1986, ch. 140, sec. 22, p. 395; am. 1992, ch. 61, sec. 2, p. 194; am. 1996, ch. 357, sec. 19, p. 1202; am. 2008, ch. 378, sec. 22, p. 1043; am. 2011, ch. 136, sec. 11, p. 391; am. 2015, ch. 116, sec. 2, p. 302; am. 2020, ch. 127, sec. 7, p. 402.]

54-1228. ADMINISTERING AND CERTIFICATION OF OATHS -- AUTHORITY OF PROFESSIONAL LAND SURVEYORS. Every professional land surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or obliterated corners, or to perpetuate a corner that is in a perishable condition, or whenever the importance of the land survey makes it desirable. A record of such oaths shall be kept as part of the field notes of the land survey.

[(54-1228) 1903, p. 81, sec. 6; am. R.C., sec. 1409; reen. C.L., sec. 1409; C.S., sec. 2241; am. 1921, ch. 158, sec. 2, p. 351; I.C.A., sec. 53-2307; am. 1957, ch. 234, sec. 18, p. 547; am. 1978, ch. 170, sec. 21, p. 388; am. 1986, ch. 140, sec. 23, p. 395; am. 2008, ch. 378, sec. 23, p. 1044; am. 2013, ch. 339, sec. 4, p. 889.]

54-1229. LEGAL SURVEY OF LAND. No survey of land, or plat or subdivision shall be legal unless made by or under the responsible charge of a professional land surveyor.

All land surveys made under the authority of the state, or of any political subdivision of the state, must be performed by a professional land surveyor.

[(54-1229) 1903, p. 81, secs. 9, 12; reen. R.C. & C.L., sec. 1410; C.S., sec. 2242; am. 1921, ch. 158, sec. 3, p. 351; I.C.A., sec. 53-2308; am. 1957, ch. 234, sec. 19, p. 547; am. 1978, ch. 170, sec. 22, p. 388; am. 1986, ch. 140, sec. 24, p. 395; am. 1996, ch. 357, sec. 20, p. 1202; am. 1998, ch. 220, sec. 9, p. 761; am. 2000, ch. 289, sec. 17, p. 1004.]

54-1230. LAND SURVEYING -- RIGHT OF ENTRY. (1) Any person duly licensed by the state of Idaho as a professional land surveyor, including all subordinates subject to the supervision of a licensed surveyor while undertaking land survey activities, and any surveyor or his subordinate employed in the execution of any survey authorized by the congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and doing any work that may be necessary to carry out the objects of existing laws relative to surveys, may establish permanent station marks, and may erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

(2) Nothing in this section shall affect the right of entry established in sections [40-1310](#) and [40-2301](#), Idaho Code.

(3) A surveyor or his subordinate shall not enter railroad property pursuant to this section without written permission from the railroad's chief engineering officer or his designee.

(4) The surveyor, or any employee or agent of the land surveyor, may not enter upon land for the purpose of surveying, performing other survey work, or establishing a permanent survey monument without first providing prior notice to the landowner or occupant by first class mail or by personal notice. If the land is occupied by a person other than the landowner, prior notice must also be given to the occupant by first class mail or by personal notice. Notice that is given by first class mail must be mailed as soon as practicable following the contract or agreement to perform the work and at least seven (7) days prior to the entry onto the land unless the notice period is waived in writing by the landowner, occupant, or an agent thereof. Notice that is given by personal notice must be hand-delivered to the landowner or occupant or, if hand delivery cannot be accomplished, it may be posted in a conspicuous place where the landowner or occupant may reasonably be expected to see the notice. The notice shall give the professional land surveyor's name, address, telephone number, purpose, availability of the survey, and the presence of any temporary or permanent monuments or other markers to be established by the surveyor and left on the land. The surveyor or his agent or employee shall cooperate with the landowner, occupant, or agent thereof to avoid disruption of a business or agricultural operation.

[(54-1230) 1919, ch. 31, sec. 1, p. 112; C.S., sec. 2243; I.C.A., sec. 53-2309; am. 1986, ch. 140, sec. 25, p. 395; am. 2019, ch. 149, sec. 1, p. 498.]

54-1234. MONUMENTATION -- PENALTY AND LIABILITY FOR DEFACING. If any person shall willfully deface, injure or remove any signal, monument or other object set as a permanent boundary survey marker, benchmark or point set in control surveys by agencies of the United States government or the state of Idaho or set by a professional land surveyor or an agent of the United States government or the state of Idaho, he shall forfeit a sum not exceeding one thousand five hundred dollars (\$1,500) for each offense, and shall be liable for damages sustained by the affected parties in consequence

of such defacing, injury or removal, to be recovered in a civil action in any court of competent jurisdiction.

[(54-1234) 1919, ch. 31, sec. 5, p. 112; C.S., sec. 2247; I.C.A., sec. 53-2313; am. 1986, ch. 140, sec. 26, p. 396; am. 2008, ch. 378, sec. 24, p. 1044; am. 2011, ch. 136, sec. 12, p. 391; am. 2015, ch. 48, sec. 5, p. 106.]

54-1235. PRACTICE BY A BUSINESS ENTITY. (1) The practice of or offer to practice professional engineering or professional land surveying, as defined in this chapter, by professional engineers or professional land surveyors, through a business entity, or by a business entity through professional engineers or professional land surveyors, as employees, or officers, is permitted subject to the provisions of this chapter, provided that all personnel of such business entity, who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under the exemptions enumerated in this chapter, and further provided that said business entity, except utilities regulated by the Idaho public utilities commission, has been issued a certificate of authorization by the board as provided by this chapter. No business entity shall be relieved of responsibility for the conduct or acts of its employees or officers by reason of its compliance with the provisions of this chapter, nor shall any individual practicing professional engineering or professional land surveying as defined in this chapter, be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with such business entity. All final drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or professional land surveying as defined in this chapter, which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them.

(2) A business entity organized pursuant to this section may provide or offer to provide allied professional services as defined in section [30-21-901](#), Idaho Code, in connection with the providing of engineering or land surveying services, by persons licensed in allied professions acting as employees or officers, provided such persons are duly licensed or otherwise legally authorized to render such allied professional services within this state.

(3) A business entity desiring a certificate of authorization for engineering, for land surveying, or for both, shall file with the board a description of the engineering or land surveying service to be offered or practiced in the state, an application upon a form to be prescribed by the board and the designation required by the following paragraph, accompanied by the application fee.

(4) Such business entity shall file with the board a designation of an individual or individuals duly licensed to practice professional engineering or professional land surveying in this state who shall be in responsible charge of the practice of professional engineering or land surveying, as applicable, by said business entity in this state. In the event there shall be a change in the individual or individuals in responsible charge, such changes shall be designated in writing and filed with the board within thirty (30) days after the effective date of such change.

If all requirements of this chapter are met, the board shall issue to such business entity a certificate of authorization for professional engineering, for land surveying, or for both; provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate.

A professional engineer or professional land surveyor who renders occasional, part-time or consulting engineering or land surveying services to or for a business entity may not be designated as the person in responsible charge for the professional activities of the business entity.

(5) The secretary of state shall not accept for filing from any person any assumed business name which includes within its name any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued a letter indicating that the person has a licensed professional in responsible charge of the professional activities of the sole proprietorship or business entity. The board may notify the secretary of state, in writing, that it waives any objection to the name if the person is clearly not governed by [chapter 12, title 54](#), Idaho Code. The secretary of state shall not accept for filing the organizational documents of an Idaho business entity, or authorize the transaction of business by any foreign business entity which includes, among objects for which it is established or within its name, any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued for said applicant a certificate of authorization or a letter indicating the eligibility of said applicant to receive such certificate. The board may notify the secretary of state, in writing, that it waives any objection to the name or purpose of any business entity if it is clearly not governed by [chapter 12, title 54](#), Idaho Code. The business entity applying shall include such certificate or letter from the board with any filings submitted to the secretary of state.

[54-1235, added 1963, ch. 20, sec. 1, p. 161; am. 1978, ch. 170, sec. 23, p. 389; am. 1979, ch. 176, sec. 1, p. 527; am. 1986, ch. 140, sec. 27, p. 396; am. 1990, ch. 192, sec. 10, p. 433; am. 1996, ch. 357, sec. 21, p. 1203; am. 2001, ch. 247, sec. 10, p. 898; am. 2008, ch. 378, sec. 25, p. 1044; am. 2015, ch. 251, sec. 6, p. 1048.]

54-1236. EXCLUSIVE JURISDICTION OF THE STATE -- RESTRICTION ON REQUIREMENT FOR ADDITIONAL LICENSES OR FEES. (1) Only the board of licensure of professional engineers and professional land surveyors of the state of Idaho is authorized and empowered to issue licenses to persons to practice the profession of engineering or land surveying.

(2) No local jurisdiction shall have the authority to require additional licensure or to require payment of any fees in order for any professional engineer or professional land surveyor to engage in the practice of the profession for which the board has issued a license.

[54-1236, added 2004, ch. 84, sec. 5, p. 319; am. 2008, ch. 378, sec. 26, p. 1046.]

CHAPTER 13

HEALERS IN GENERAL -- EDUCATIONAL AND LICENSE REQUIREMENTS -- [REPEALED]