

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

HOUSE BILL 1426

By: Representative Perry

## For An Act To Be Entitled

AN ACT TO AMEND TITLE 17, CHAPTERS 30 AND 48  
CONCERNING LICENSURE OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL SURVEYORS; AND FOR OTHER  
PURPOSES.

## Subtitle

AN ACT TO AMEND VARIOUS PROVISIONS OF  
THE ARKANSAS CODE CONCERNING THE  
LICENSURE OF PROFESSIONAL ENGINEERS AND  
PROFESSIONAL SURVEYORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code §§ 17-30-101 through 17-30-103 are amended to read as follows:

17-30-101. Definition.

As used in this chapter, unless the context otherwise requires:

(1) ~~“Board” means the State Board of Registration for Professional Engineers and Land Surveyors, hereinafter provided by this chapter;~~

~~(2)~~ “Consulting engineer” means a professional engineer whose principal occupation is the independent practice of engineering, whose livelihood is obtained by offering engineering services to the public, who serves clients as an independent fiduciary, who is devoid of public, commercial, and product affiliation that might tend to infer a conflict of interest, and who is cognizant of his or her public and legal responsibilities, and is capable of discharging them;



1           ~~(3)~~(2) "Engineer-intern" means a person who has qualified for,  
 2 taken, and has passed an examination in the fundamental engineering subjects,  
 3 as provided in this chapter;

4           (3)(A) "Firm" means any form of business entity that offers  
 5 professional engineering services of its licensed personnel to the public.

6           (B) "Firm" does not include an individual licensee  
 7 operating under his or her name.

8           (4)(A) "Practice of engineering" means any service or creative  
 9 work, the adequate performance of which requires engineering education,  
 10 training, and experience in the application of special knowledge in the  
 11 mathematical, physical, and engineering sciences to services or creative work  
 12 such as consultation, investigation, evaluation, planning, and design of  
 13 engineering works and systems relating to the use of air, land, water,  
 14 municipal and regional planning, forensic services, engineering teaching of  
 15 advanced engineering subjects or courses related thereto, engineering  
 16 surveys, and the inspection of construction for the purpose of assuring  
 17 compliance with drawings and specifications, any of which embraces service or  
 18 work, either public or private, in connection with any utilities, structures,  
 19 buildings, machines, equipment, processes, work systems, or projects  
 20 including such architectural work as is incidental to the practice of  
 21 engineering.

22           (B) A person ~~shall be construed to practice or offer~~  
 23 practices or offers to practice engineering, within the meaning and intent of  
 24 this chapter, who:

25                   (i) Practices any branch of the profession of  
 26 engineering;

27                   (ii) By verbal claim, sign advertisement,  
 28 letterhead, card, or in any other way represents himself or herself to be an  
 29 engineer;

30                   (iii) Through the use of some other title implies  
 31 that he or she is an engineer or that he or she is ~~registered~~ licensed under  
 32 this chapter; or

33                   (iv) Holds himself or herself out as able to perform  
 34 or does perform any engineering service or work or any other service  
 35 designated by the practitioner ~~which~~ that is recognized as engineering.

36           (C) The term "practice of engineering" ~~shall~~ does not

1 include persons who merely operate or maintain machinery or equipment.

2 (D) The practice of engineering ~~shall~~ does not include the  
3 act of measuring land or drawing or reading plans or other work normally done  
4 by mechanics, technicians, ~~land~~ professional surveyors, or draftsmen;

5 (5) "Professional engineer" means a person who has been duly  
6 ~~registered or~~ licensed as a professional engineer by the ~~board~~ State Board of  
7 Licensure for Professional Engineers and Professional Surveyors; and

8 (6) "Responsible charge" means direct control of, supervision  
9 of, and legal responsibility for all engineering work performed.

10  
11 17-30-102. Penalties – Violations.

12 (a)(1) ~~Any A~~ person who ~~shall practice~~ practices or ~~offer~~ offers to  
13 practice engineering in this state in violation of this chapter and ~~any a~~  
14 person using or attempting to use as his or her own the certificate of  
15 ~~registration~~ licensure of another, who ~~shall give~~ gives false evidence of any  
16 kind to the State Board of ~~Registration~~ Licensure for Professional Engineers  
17 and ~~Land~~ Professional Surveyors, or to any member of the board, in obtaining  
18 a certificate of ~~registration~~ licensure, or who ~~shall~~ falsely ~~impersonate~~  
19 impersonates any other practitioner or ~~shall~~ in any manner falsely ~~imply~~  
20 implies that he or she is ~~registered~~ licensed or ~~shall violate~~ violates ~~any~~  
21 ~~of the provisions of~~ this chapter or the rules and regulations of the board  
22 ~~shall be deemed~~ is guilty of a misdemeanor.

23 (2) For each ~~such~~ offense of which he or she is convicted,  
24 ~~that the~~ person shall be punished by:

25 (A) a A fine of not less than one hundred dollars  
26 (\$100) nor more than one thousand dollars (\$1,000);

27 (B) ~~or by imprisonment~~ Imprisonment not to exceed  
28 three (3) months; ~~or~~

29 (C) ~~by both~~ Both fine and imprisonment.

30 (3) Each violation and each day of any violation ~~shall~~  
31 ~~constitute~~ constitutes a separate offense.

32 (b) The following persons are guilty of a Class A misdemeanor for the  
33 first offense and a Class D felony for the second or any subsequent offense:

34 (1) ~~Any A~~ person who ~~shall practice~~ practices or ~~offer~~  
35 offers to practice engineering in this state without being ~~registered in~~  
36 ~~accordance with the provisions of~~ licensed under this chapter, ~~or;~~

(2) ~~any~~ A person, firm, partnership, organization, association, corporation, or other entity using or employing the words "engineer" or "engineering" or any modification or derivative thereof in its name or form or business activity, except as authorized in this chapter,~~or;~~

(3) ~~any~~ A person presenting or attempting to use the certificate of ~~registration~~ licensure or the seal of another,~~or;~~

(4) ~~any~~ A person who ~~shall give~~ gives false or forged evidence of any kind to the board or to any member ~~thereof~~ of the board in obtaining or attempting to obtain a certificate of ~~registration~~ licensure,~~or;~~

(5) ~~any~~ A person who ~~shall falsely impersonate any other registrant~~ impersonates a licensee of like or different name,~~or;~~

(6) ~~any~~ A person who ~~shall attempt~~ attempts to use an expired, suspended, revoked, or nonexistent certificate of ~~registration~~ licensure,~~or;~~

(7) A person who ~~shall practice~~ practices or ~~offer~~ offers to practice when not qualified,~~or;~~

(8) ~~any~~ A person who falsely claims that he or she is ~~registered~~ licensed or authorized under this chapter,~~;~~ or

(9) ~~any~~ A person who ~~shall violate~~ violates any of the provisions of this chapter,~~shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for the second or any subsequent offense.~~

#### 17-30-103. Injunction – Liability of board.

(a)(1) Upon proper determination that ~~any~~ a person has been found guilty of violating ~~the provisions of~~ this chapter, the State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional Surveyors ~~shall have the right to~~ may go into file a civil suit in the proper court in the jurisdiction in which the service or work is being performed.

(2) Upon affidavit, the board shall secure a writ of injunction, without bond, restraining and prohibiting the person from performance of the service or work then being done or about to commence.

(b) The members of the board, acting in good faith, ~~shall not be~~ are not personally liable under this proceeding.

SECTION 2. Arkansas Code § 17-30-105 is amended to read as follows:

17-30-105. Exemptions.

This chapter ~~shall not be construed to~~ does not prevent the practice by:

(1) Other Professions. The practice of any other legally recognized profession;

(2) Temporary Permits.

(A)(i) The practice or offer to practice of engineering by a person not a resident of or having no established place of business in this state, ~~provided such a~~ if the person is legally qualified by ~~registration~~ licensure to practice engineering, ~~as defined elsewhere in this chapter,~~ in his or her own state or country.

(ii) An applicant may temporarily provide engineering services before becoming licensed under the reciprocal and comity licensure provisions of § 17-30-302(d) by obtaining a temporary permit.

(iii) The State Board of Licensure for Professional Engineers and Professional Surveyors shall specify by rule the qualifications necessary to obtain a temporary permit.

(iv) The qualifications necessary to obtain a temporary permit shall be similar to those necessary for original licensure.

(B) ~~Such a person shall make application~~ An applicant for a temporary permit shall submit an application for a temporary permit and for reciprocal or comity licensure to the ~~State Board of Registration for Professional Engineers and Land Surveyors~~ board in writing and, after payment of a fee established by board regulation, may be granted a written permit for a definite period of time ~~to do a specific job. However, no right to practice engineering shall the right to practice engineering shall not accrue to such an applicant with respect to any other works not set forth in the permit;~~ and

(3) Employees and Subordinates. The work of an employee or a subordinate of a person holding a certificate of ~~registration~~ licensure under this chapter, or an employee of a person practicing lawfully under subdivision (2) of this section, ~~provided such~~ if the work does not include final engineering designs or decisions and is done under the direct supervision of and verified by a person holding a certificate of ~~registration~~ licensure under this chapter or a person practicing lawfully under subdivision (2) of this section.

1  
2 SECTION 3. Arkansas Code Title 17, Chapter 30, Subchapter 2 is amended  
3 to read as follows:

4 Subchapter 2 – State Board of ~~Registration~~ Licensure for Professional  
5 Engineers and ~~Land~~ Professional Surveyors

6 17-30-201. Creation – Members.

7 (a) There is created a State Board of ~~Registration~~ Licensure for  
8 Professional Engineers and ~~Land~~ Professional Surveyors, consisting of nine  
9 (9) members to be appointed by the Governor.

10 (b)(1) Each member of the board shall be a citizen of the United  
11 States, at least thirty-five (35) years of age, and shall have been a  
12 resident of this state for at least three (3) years immediately preceding his  
13 or her appointment.

14 (2) Five (5) members shall be professional engineers of at least  
15 ten (10) years' active experience, of good standing in their profession, and  
16 ~~registered~~ licensed as professional engineers at the time of their  
17 appointments.

18 (3) One (1) member shall be a professional engineer and a  
19 professional surveyor of at least ten (10) years' active experience in both,  
20 of good standing in both professions, and ~~registered~~ licensed as both a  
21 professional engineer and a professional surveyor at the time of his or her  
22 appointment.

23 (4) One (1) member shall be a professional surveyor of at least  
24 ten (10) years' active experience, of good standing in his or her profession,  
25 and ~~registered~~ licensed as a professional surveyor at the time of his or her  
26 appointment.

27 (5)(A) Two (2) members of the board shall:

28 (i) Not be actively engaged as or retired as  
29 professional engineers or professional surveyors;

30 (ii) Be appointed from the state at large, subject  
31 to confirmation by the Senate; and

32 (iii) Be full voting members but shall not  
33 participate in the grading of examinations.

34 (B) One (1) member shall represent consumers, and one (1)  
35 member shall be sixty (60) years of age or older and shall represent the  
36 elderly.

(C) The two (2) positions may not be held by the same person.

(c) The term of office for each member appointed shall be four (4) years.

(d) Each member shall hold office until his or her successor ~~shall be~~ duly is appointed and qualified.

(e) The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

(f) Vacancies on the board, however created, shall be filled by the Governor for the unexpired term.

(g) Each member of the board shall serve without compensation, except that the board member may receive expense reimbursement ~~in accordance with~~ under § 25-16-901 et seq.

17-30-202. Officers and employees.

The State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional Surveyors shall:

(1) Select its own officers; and

(2) Have the power to appoint an executive director who shall serve as secretary-treasurer of the board.

17-30-203. Powers, duties, and proceedings.

(a) The State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional Surveyors shall:

(1) Meet not less than twice a year;

(2) Have a seal, which among other things must be affixed to every certificate of ~~registration~~ licensure; and

(3) Require that all plans, specifications, plats, and reports issued by an engineer shall be stamped with a seal of a design authorized by the board.

(b) Within the limits prescribed by this chapter, the board:

(1) May determine the persons entitled to be ~~registered~~ licensed and those whose ~~registration~~ licenses shall be suspended or revoked;

(2) Shall fix the fees and renewal fees;

(3) Shall hold examinations for applicants for ~~registration~~ licensure not less than twice a year; and

(4) May do any ~~and all~~ other things necessary to its duties, including the adoption of rules and regulations not inconsistent with this chapter or the Constitution and other laws.

(c)(1) The board may subpoena witnesses and compel their attendance and also may require the production of books, papers, and documents.

(2) Any member of the board may administer oaths or affirmations to witnesses before the board.

(d) All expenses incurred by the board for the administration of this chapter ~~are authorized to~~ may be paid by the board.

17-30-204. Claims against board members.

~~Any~~ A person making a claim against a member of the State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional Surveyors has the burden of proving the absence of good faith.

17-30-205. Duty of Attorney General.

(a) The Attorney General or his or her assistant shall act as legal advisor to the State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional Surveyors and render such legal assistance as ~~may be necessary in carrying out the provisions of this chapter.~~

(b) It ~~shall be~~ is the duty of the Attorney General to enforce ~~the provisions of this chapter and to prosecute any person violating the provisions of this chapter.~~

(c) The board may employ counsel and necessary assistance to aid in the enforcement of this chapter, and the compensation and expenses ~~therefor~~ shall be paid from the funds of the board.

SECTION 4. Arkansas Code §§ 17-30-301 through 17-30-306 are amended to read as follows:

17-30-301. ~~Registration~~ Licensure requirement – Exceptions.

~~No~~ A person, unless ~~registered~~ licensed under the present law, shall not practice or offer to practice engineering unless that person has been ~~registered~~ licensed ~~as provided in~~ under this chapter, except that:

(1) An engineer-intern may engage in such a practice as an employee of or under the supervision of a ~~registered~~ licensed engineer;

(2) A person holding a temporary permit under § 17-30-105(2) may



1 temporarily provide engineering services for the purpose and in the manner  
 2 provided by the board when granted the temporary license ~~not a resident of,~~  
 3 ~~or having no established place of business in, this state may engage in such~~  
 4 ~~a practice if that person is legally qualified by registration to practice~~  
 5 ~~engineering in his or her own state, provided that the requirements for~~  
 6 ~~registration in his or her state are comparable to the requirements in~~  
 7 ~~Arkansas. The person shall make an application to the State Board of~~  
 8 ~~Registration for Professional Engineers and Land Surveyors in writing and,~~  
 9 ~~after payment of a fee established by board regulation, may be granted a~~  
 10 ~~written permit to do a specific job for a definite period not to exceed sixty~~  
 11 ~~(60) calendar days. The temporary permit is a courtesy extended to authorize~~  
 12 ~~such a practice while an application for Arkansas registration is being~~  
 13 ~~processed;~~

14 (3) A person may engage in such a practice if that person is  
 15 employed by a professional engineer and acts under his or her supervision and  
 16 direction; and

17 (4) A firm, ~~association, partnership, or corporation~~ may not  
 18 engage in the practice of engineering as a profession except under § 17-30-  
 19 303 ~~through its officers, agents, or employees and then not unless one (1) of~~  
 20 ~~the owners or incorporators is a professional engineer and unless the~~  
 21 ~~practice of engineering as engaged in is done under the supervision and~~  
 22 ~~direction of a professional engineer. A firm, association, partnership, or~~  
 23 ~~corporation may engage in the practice of engineering with relation to its~~  
 24 ~~own property or business so long as the engineering practice is done under~~  
 25 ~~the supervision of a professional engineer.~~

26  
 27 17-30-302. Applicant qualifications – Examination.

28 (a) Except as provided hereafter, each applicant for ~~registration~~  
 29 licensure shall submit to an examination by the State Board of ~~Registration~~  
 30 Licensure for Professional Engineers and ~~Land~~ Professional Surveyors and, if  
 31 found to be qualified, shall be registered, depending on his or her education  
 32 and experience, either as:

33 (1) A professional engineer; or

34 (2) An engineer-intern.

35 (b)(1)(A) A person may ~~make application~~ apply to be ~~registered~~  
 36 licensed as an engineer if he or she is a graduate of an Accreditation Board

for Engineering and Technology, Inc., approved engineering curriculum, or its equivalent as approved by this board, of four (4) years from a school or college approved by the board and has had four (4) years' experience in engineering work of a type satisfactory to the board.

(B) In its discretion, the board may consider satisfactory graduate study in engineering equal to one (1) year's experience.

(2) This subsection shall be effective July 1, 2001.

(c)(1) A person may ~~make application~~ apply to be registered as an engineer-intern if he or she is a graduate of an approved Accreditation Board for Engineering and Technology, Inc., or its equivalent as approved by this board, engineering curriculum of four (4) years from a school or college approved by the board.

(2) This subsection shall be effective July 1, 1997.

(d) The board in its discretion may waive examination of a person applying to be ~~registered~~ licensed as an engineer or an engineer-intern if he or she is ~~registered~~ licensed either as an engineer or an engineer-in-training or an engineer-intern by the ~~registering~~ licensing authority of any state or territory or possession of the United States or of any foreign country, ~~provided if~~ his or her qualifications at the time he or she was ~~registered~~ licensed are not less than those provided in this chapter.

#### 17-30-303. Authorization certificates.

(a)(1) The practice, or offer to practice, for others, as defined in § 17-30-101, by individuals ~~registered~~ licensed under this chapter through a ~~corporation as officers, employees, or agents,~~ firm is permitted, subject to ~~the provisions of this chapter, provided that if:~~

(A) One (1) or more of the ~~corporate~~ officers, agents, employees, partners, members, or managers of the ~~corporation~~ firm designated as being responsible for the engineering activities and decisions is a professional engineer under this chapter or under the engineering ~~registration~~ licensure law of another state, territory, or possession of the United States or the District of Columbia;

(B) All personnel of the ~~corporation~~ firm who act in its behalf as professional engineers are ~~registered~~ licensed under this chapter, or are persons lawfully practicing under § 17-30-105; and

1 (C) The ~~corporation~~ firm has been issued a certificate of  
 2 authorization by the State Board of Registration Licensure for Professional  
 3 Engineers and ~~Land~~ Professional Surveyors as hereinafter provided.

4 (2) All final drawings, specifications, plans, reports,  
 5 calculations, or other engineering papers or documents involving the practice  
 6 of engineering, as defined in this chapter, when issued or filed for public  
 7 record, shall be dated and bear the signature and seal of the professional  
 8 engineer qualified in the appropriate branch of engineering who prepared them  
 9 or under whose immediate direction they were prepared.

10 (b)(1) A ~~corporation~~ firm desiring a certificate of authorization  
 11 shall file with the board an application, using the form provided by the  
 12 board, ~~listing the names and addresses of all officers and board members of~~  
 13 ~~the corporation~~ providing all the information required by the board, and also  
 14 listing the names and addresses of the individual or individuals duly  
 15 ~~registered~~ licensed to practice engineering in this state who shall be in  
 16 responsible charge of the practice of engineering in the state through the  
 17 ~~corporation~~ firm, and other information, which must accompany the annual  
 18 renewal fee.

19 (2) ~~In the event~~ If there ~~shall be~~ is a change in any of these  
 20 persons during the year, ~~such a~~ the change shall be designated on the same  
 21 form and filed with the board within thirty (30) days after the effective  
 22 date of the change.

23 (3) If all of the requirements of this section are met, the  
 24 board shall issue a certificate of authorization to ~~such a corporation~~ the  
 25 firm, and the ~~corporation shall be authorized to~~ firm may contract for and ~~to~~  
 26 collect fees for furnishing engineering services.

27 (c) ~~The requirements of this chapter shall~~ This chapter does not  
 28 prevent a ~~corporation~~ firm from performing engineering services for the  
 29 ~~corporation~~ firm itself or a subsidiary or an affiliate of the ~~corporation~~  
 30 firm.

31 (d)(1) ~~No such~~ The ~~corporation~~ firm shall not be relieved of  
 32 responsibility for the conduct or acts of its agents, employees, officers, or  
 33 partners by reason of its compliance with ~~the provisions of~~ this section.

34 (2) ~~No An~~ individual practicing engineering under ~~the provisions~~  
 35 ~~of~~ this chapter shall not be relieved of responsibility for engineering  
 36 services performed by reason of employment or other relationship with a

1 ~~corporation~~ firm holding an authorization certificate.

2 (e) A certificate of authorization shall be renewed as ~~hereinafter~~  
3 provided in this chapter.

4 (f) An engineer who renders occasional, part-time, or consulting  
5 engineering services to or for a firm may not, for the purpose of this  
6 section, be designated as being responsible for the professional activities  
7 of the firm.

8 (g)(1) The Secretary of State shall not issue a certificate of  
9 incorporation to an applicant or a registration as a foreign firm to a firm  
10 ~~which that~~ includes among the objectives for which it is established any of  
11 the words "engineer", "engineering", or any modification or derivation  
12 thereof unless the board of ~~registration~~ licensure for this profession has  
13 issued for the applicant a certificate of authorization or a letter  
14 indicating the eligibility of the applicant to receive such a certificate.

15 (2) The firm applying shall supply such a certificate or letter  
16 from the board with its application for incorporation or registration.

17 (h) The Secretary of State shall decline to register any trade name or  
18 service mark ~~which that~~ includes such words as set forth in subsection (g) of  
19 this section, or modifications or derivatives thereof, in its firm name or  
20 logos except those ~~corporations~~ firms holding authorization certificates  
21 issued under ~~the provisions of~~ this section.

22  
23 17-30-304. Fees – Renewal of certificates – Disposition of funds –  
24 Inactive – Reinstatements.

25 (a) The State Board of ~~Registration~~ Licensure for Professional  
26 Engineers and ~~Land Professional~~ Surveyors ~~shall have the power to~~ may  
27 establish application fees, certificate fees, and renewal fees as it deems  
28 necessary within the guidelines of the State of Arkansas.

29 (b) The board ~~shall have the power and authority to~~ may establish  
30 guidelines and to require a demonstration of continuing professional  
31 competency as a condition of renewal or relicensure.

32 (c) All certificates shall be renewed annually or ~~biannually~~  
33 biennially at the discretion of the board.

34 (d) The fees shall be deposited in a bank designated by the board, and  
35 the officer or employee who collects the fees and disburses them shall be  
36 required to execute a corporate surety bond for the proper accounting

thereof.

(e)(1) A professional engineer or engineer-intern licensed under this chapter who is not engaged in the practice of engineering may request that the board grant him or her inactive status by placing his or her name on the board's inactive roll.

(2) A professional engineer or engineer-intern who is granted inactive status maintains the right to seek active license status at a later time.

(3) A professional engineer whose license is inactive may return to active status by:

(A) Notifying the board in advance of his or her intention to return to active status;

(B) Paying the appropriate fees; and

(C) Meeting all requirements of the board, including demonstration of professional competency.

(4) Inactive status shall continue so long as the license holder pays the annual fee under the board's rules.

(f) A professional engineer or engineer-intern whose license has not been renewed may have it reinstated by meeting all requirements of the board including:

(1) Paying all applicable fees and penalties;

(2) Demonstrating continuing professional competency; and

(3) Reexamination.

17-30-305. Suspension or revocation.

(a) The State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land Professional~~ Surveyors ~~shall have the power to~~ may suspend or revoke, or to refuse to issue, restore, or renew, a certificate of ~~registration~~ licensure of, or place on probation, or fine, or reprimand, or any combination of these, any professional engineer who is:

(1) ~~found~~ Found guilty of:

~~(1)~~(A) The practice of ~~any~~ fraud or deceit in obtaining or attempting to obtain or renew a certificate of ~~registration~~ licensure or certificate of authorization;

~~(2)~~(B) ~~Any negligence~~ Negligence, incompetency, or misconduct in the practice of engineering;

~~(3) Conviction of or entry of a plea of nolo contendere to any crime, under the laws of the United States or any state or territory thereof, which is a felony, whether related to practice or not, and conviction of or entry of a plea of nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering;~~

~~(4)(C)~~ Failure to comply with ~~any of the provisions of this~~ chapter or any of the rules or regulations pertaining ~~thereto~~ to this chapter;

~~(5)(D)~~ Discipline by another state, territory, the District of Columbia, a foreign country, the United States Government, or any other governmental agency, if at least one (1) of the grounds for discipline is the same or substantially equivalent to those contained in this section;

~~(6)(E)~~ Failure within thirty (30) days to provide information requested by the board as a result of a formal or informal complaint to the board ~~which~~ that would indicate a violation of this chapter;

~~(7)(F)~~ Knowingly making false statements or signing false statements, certificates, or affidavits to induce payment;

~~(8)(G)~~ Aiding or assisting another person in violating ~~any provision of~~ this chapter or the rules or regulations pertaining ~~thereto~~ to this chapter;

~~(9)(H)~~ Violating any terms of probation imposed by the board, or using a seal or practicing engineering while the professional engineer's license is suspended, revoked, nonrenewed, or inactive;

~~(10)(I)~~ Signing, affixing the professional engineer's seal, or permitting the professional engineer's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or calculations, or revisions thereof, ~~which~~ that have not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control;

~~(11)(J)~~ Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

~~(12)(K)~~ Providing false testimony or information to the board;  
or

~~(13)(L)~~ Habitual intoxication, or addiction to the use of drugs or alcohol; or

(2) Convicted of or enters a plea of nolo contendere to:

(A) A felony;

(B) A crime of which an essential element is dishonesty;

or

(C) A crime that is directly related to the practice of engineering.

(b) In addition to any other penalty provided in this section, ~~any a~~ person who violates ~~any provision of~~ this chapter, or any rule or regulation ~~pertaining thereto, of the board~~ shall pay to the board a civil penalty in an amount determined by the board of not more than ~~two~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) for each offense.

(c)(1) The board shall ~~have prepared and shall~~ adopt rules of professional conduct, ~~as provided in under § 17-30-203, which that~~ shall be made known in writing to every ~~registrant~~ applicant for ~~registration~~ licensure under this chapter, and ~~which shall be~~ published in the roster.

(2) Such a ~~The~~ publication shall constitute due notice to all ~~registrants~~ licensees.

(3) The board may revise and amend these rules of professional conduct from time to time and shall ~~forthwith~~ notify each ~~registrant~~ licensee in writing of ~~such the~~ revisions or amendments.

(d) The board ~~shall have the power to~~ may:

(1) Revoke a certificate of authorization;

(2) Suspend a certificate of authorization, for a period of time not exceeding two (2) years, of any ~~corporation~~ firm where one (1) or more of its officers or directors have been found guilty of any conduct ~~which that~~ would authorize a revocation or suspension of their certificates of ~~registration~~ licensure under the provisions of this section;

(3) Place on probation for a period of time and subject to such conditions as the board may specify; or

(4) Levy a fine in an amount not to exceed ~~two~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) for each count or separate offense.

(e) The board ~~shall have the power to~~ may discipline ~~nonregistrants~~ nonlicensees that violate ~~provisions of~~ this chapter by the levy of a fine in an amount not to exceed ~~two~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) for each offense.

17-30-306. Disciplinary action – Procedures.

(a) ~~Any~~ A person may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct, or violation of the rules of professional conduct against any individual ~~registrant~~ licensee or against ~~any corporation~~ a firm holding a certificate of authorization.

(b) All charges, unless dismissed by the State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional Surveyors as unfounded or trivial, or unless settled informally, shall be heard by the board within six (6) months after the date on which they ~~shall have been~~ were preferred.

(c)(1) The time and place for the hearings shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of the individual ~~registrant~~ licensee or ~~corporation~~ firm holding a certificate of authorization at least twenty (20) days before the date fixed for the hearing.

(2) At ~~any~~ the hearing, the accused individual ~~registrant~~ licensee or ~~corporation~~ firm holding a certificate of authorization ~~shall have the right to~~ may appear in person or by counsel, or both, to cross-examine witnesses in his or her or its defense and to produce evidence and witnesses in his or her or its own defense.

(3) If the accused person or ~~corporation~~ firm fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(d)(1) If after such a hearing a majority of the board votes in favor of sustaining the charges, the board ~~shall~~ may:

(A) ~~reprimand~~ Reprimand;  
 (B) ~~refuse~~ Refuse to issue, restore, or renew;  
 (C) ~~place~~ Place on probation for a period of time; or  
 (D) ~~and, subject~~ Subject to ~~such~~ conditions ~~as the board may specify~~ specified by the board, suspend or revoke the individual's certificate of ~~registration~~ licensure or ~~a corporation's~~ the firm's certificate of authorization.

(2) In addition to or in lieu of any of the items in subdivision (d)(1) of this section, the board may fine the individual or ~~corporation~~ firm in an amount not to exceed ~~two~~ five thousand dollars



1 ~~(\$2,000)~~ (\$5,000) for each offense.

2 (e) An individual ~~registrant having~~ licensee who has a certificate of  
3 ~~registration~~ licensure or a ~~corporation having~~ firm that has a certificate of  
4 authorization or a ~~nonregistrant~~ nonlicensee aggrieved by any action of the  
5 board in levying a fine or denying, suspending, refusing to issue, restoring,  
6 renewing, or revoking his or her certificate of ~~registration~~ licensure or its  
7 certificate of authorization may appeal ~~therefrom~~ to the proper court under  
8 normal civil procedures.

9 (f)(1) A penalty assessed ~~pursuant to~~ under § 17-30-305 shall be  
10 assessed in a proceeding as provided in this section.

11 (2) Unless the amount of the penalty is paid within fifty (50)  
12 days after the order becomes final, the order shall constitute a judgment and  
13 shall be filed and execution issued thereon in the same manner as any other  
14 judgment of a court of record.

15 (g) The board may, upon petition of an individual ~~registrant~~ licensee  
16 or ~~corporation~~ firm holding a certificate of authorization, reissue a  
17 certificate of ~~registration~~ licensure or authorization, ~~provided that if~~ if a  
18 majority of the members of the board vote in favor of such issuance.

19  
20 SECTION 5. Arkansas Code §§ 17-48-101 through 17-48-102 are amended to  
21 read as follows:

22 17-48-101. Definitions.

23 As used in this chapter:

24 (1) ~~"Board" means the State Board of Registration for~~  
25 ~~Professional Engineers and Land Surveyors;~~

26 (A) "Firm" means any form of business entity that offers  
27 professional surveying services of its licensed personnel to the public.

28 (B) "Firm" does not include an individual licensee  
29 operating under his or her name.

30 (2)(A) "Land surveying" means any service comprising the:

31 (i) Determination of the location of land boundaries  
32 and land boundary corners; and

33 (ii) Preparation of:

34 (a) Plats showing the shape and areas of  
35 tracts of land and their subdivision into smaller tracts;

36 (b) Plats showing the location of streets,

1 roads, and rights-of-way of tracts to give access to smaller tracts; and

2 (c) Official plats, or maps, of land thereof  
3 in this state.

4 (B) "Land surveying" ~~shall~~ does not include the measure of  
5 acreage of timber, cotton, rice, or other agricultural crops.

6 (C) A person ~~shall be construed to practice or offer~~  
7 practices or offers to practice land surveying who:

8 (i) Engages in land surveying for others; or

9 (ii) By verbal claim, sign, letterhead, card,  
10 telephone listing, or in any other way represents himself or herself:

11 (a) To be a professional surveyor; or

12 (b) As able to perform land surveying in this  
13 state;

14 (3) "Metadata" means a description of the content, ancestry and  
15 source, quantity, database schema, and accuracy of digital map data;

16 (4) "Professional surveyor" means a person who, by reason of  
17 special knowledge of mathematics, surveying principles and methods, and legal  
18 requirements that are acquired by education or practical experience, is  
19 qualified to engage in the practice of land surveying and surveying  
20 measurement certification; and

21 (5) "Surveying measurement certification" means providing the  
22 professional service of certification or sealing of maps, documents, digital  
23 files, or other data ~~for the purpose of verifying~~ to verify that the maps,  
24 documents, digital files, or other data are authoritative professional  
25 determinations based on accepted methods and ~~principals~~ principles of  
26 surveying measurement or analysis representing or listing the following types  
27 of surveying measurements:

28 (A) The configuration or contour of the earth's surface or  
29 the position of fixed objects on the earth's surface;

30 (B) The position or elevation of any survey boundary or  
31 control monument or reference point; and

32 (C) The alignment or elevation of any fixed works embraced  
33 within the practice of professional engineering.

34  
35 17-48-102. Penalties – Enforcement.

36 (a)(1) Unless a different penalty is specifically provided, ~~any a~~

1 person who violates ~~any of the provisions of~~ this chapter shall be guilty of  
2 a Class B misdemeanor.

3 (2) It ~~shall be~~ is the duty of all duly constituted officers of  
4 the state and all of its political subdivisions to enforce ~~the provisions of~~  
5 this chapter and prosecute any persons violating ~~them~~ it.

6 (b)(1) The State Board of ~~Registration~~ Licensure for Professional  
7 Engineers and ~~Land~~ Professional Surveyors ~~is authorized to~~ may levy a civil  
8 penalty against any ~~registered~~ licensed engineer, professional surveyor, or  
9 surveyor intern who:

10 (A) Is found guilty of:

11 (i) ~~Any fraud~~ Fraud or deceit in his or her practice  
12 or in securing a certificate of ~~registration~~ licensure; or

13 (ii) Gross negligence, incompetence, or misconduct;  
14 or

15 (B) Fails or refuses to comply with any laws relating to  
16 the ~~registration~~ licensure and practice of engineers, professional surveyors,  
17 or surveyor interns or any rules or regulations adopted by the board ~~pursuant~~  
18 ~~to~~ under the authority granted in such laws.

19 (2) Any civil penalty levied by the board may be in lieu of or  
20 in addition to any other sanction ~~which may be~~ imposed by the board.

21 (3) ~~No~~ A civil penalty assessed by the board shall not be ~~less~~  
22 ~~than twenty five dollars (\$25.00) nor more than two~~ five thousand dollars  
23 ~~(\$2,000)~~ (\$5,000).

24 (c) The Attorney General or his or her assistants shall act as legal  
25 advisors to the board and render such legal assistance as may be necessary.

26 (d) The board may employ counsel to enforce this chapter, the costs to  
27 be paid from the funds of the board.

28  
29 SECTION 6. Arkansas Code §§ 17-48-104 through 17-48-105 are amended to  
30 read as follows:

31 17-48-104. Powers of the board.

32 (a) The State Board of ~~Registration~~ Licensure for Professional  
33 Engineers and ~~Land~~ Professional Surveyors ~~shall have the power to~~ may adopt  
34 and amend all bylaws and rules of procedure, not inconsistent with the  
35 Arkansas Constitution and laws of this state or this chapter, ~~which~~ that may  
36 be reasonably necessary for the proper performance of its duties and the

1 regulations of its proceedings, meetings, records, examinations, and the  
2 conduct thereof.

3 (b) The board ~~is authorized to~~ may engage such technical advice and  
4 counsel as necessary to review applications, conduct interviews, prepare and  
5 give examinations, grade examinations, as required by this chapter, and to  
6 pay for such services.

7 (c)(1) In carrying into effect ~~the provisions of~~ this chapter, the  
8 board, under the hand of its president and the seal of the board, may  
9 subpoena witnesses and compel their attendance and also may require the  
10 submission of books, papers, documents, or other pertinent data, in any  
11 disciplinary matter, or in any case ~~wherever~~ in which a violation of this  
12 chapter is alleged.

13 (2) Upon failure or refusal to comply with any  
14 such order of the board, or upon failure to honor its subpoena, as provided  
15 in this section, the board may apply to a court of any jurisdiction to  
16 enforce compliance with them.

17 (d)(1) ~~The board is authorized in the name of the state to~~ In the name  
18 of the state, the board may apply for relief by injunction in the established  
19 manner provided in cases of civil procedure, without bond, to enforce ~~the~~  
20 ~~provisions of~~ this chapter or to restrain any violation thereof.

21 (2) In such proceedings, it ~~shall not be~~ is not necessary to  
22 allege or prove either that an adequate remedy at law does not exist or that  
23 substantial or irreparable damage would result from the continued violation  
24 thereof.

25 (3) The members of the board shall not be  
26 personally liable under this procedure.

27 (e) The board may establish application fees, certificate fees,  
28 renewal fees, and any other fees as it deems necessary within the guidelines  
29 of the State of Arkansas.

30  
31 17-48-105. Seal and signature required.

32 (a) Each ~~registered~~ licensed professional surveyor shall:

33 (1) Procure a personal seal, in form approved by the State Board  
34 of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~ Professional  
35 Surveyors; and

36 (2) Affix his or her signature and the seal upon all maps,

1 plats, surveys, or other documents before the delivery thereof to any client  
 2 or before offering to file a record of any such map, plat, survey, or other  
 3 document in the office of the recorder of deeds of any county or with any  
 4 proper public authority.

5 (b) It ~~shall be~~ is unlawful for the recorder of deeds of any county or  
 6 any proper public authority to file or record any map, plat, survey, or other  
 7 document within the definition of land surveying, ~~which~~ that does not have  
 8 impressed thereon, and affixed thereto, the personal signature and seal of a  
 9 ~~registered~~ licensed professional surveyor by whom the map, plat, survey, or  
 10 other document was prepared.

11  
 12 SECTION 7. Arkansas Code §§ 17-48-201 through 17-48-206 are amended to  
 13 read as follows:

14 17-48-201. Registration required – Sole or group practice – Trainees.

15 (a)(1) It ~~shall be~~ is unlawful for ~~any~~ a person who is not a  
 16 professional surveyor ~~registered~~ licensed by the State Board of ~~Registration~~  
 17 Licensure for Professional Engineers and ~~Land~~ Professional Surveyors to hold  
 18 himself or herself out as a professional surveyor to practice or offer to  
 19 practice land surveying in the state, as defined in ~~the provisions of~~ this  
 20 chapter, or to use in connection with his or her name or otherwise assume or  
 21 advertise any title or description tending to convey the impression that he  
 22 or she is a professional surveyor unless the person has been ~~registered~~  
 23 licensed under ~~the provisions of~~ this chapter.

24 (2) The board ~~shall have the power to~~ may discipline  
 25 ~~nonregistrants~~ nonlicensees that violate ~~provisions of~~ this chapter by the  
 26 levy of a fine in an amount not to exceed ~~two~~ five thousand dollars ~~(\$2,000)~~  
 27 (\$5,000) for each offense.

28 (b)(1)(A) Admission to practice land surveying and surveying  
 29 measurement certification shall be determined upon the basis of individual  
 30 personal qualifications.

31 (B) The right to engage in the practice of land surveying  
 32 and surveying measurement certification ~~shall be deemed~~ is a personal right,  
 33 based upon the qualifications of the individual, evidenced by his or her  
 34 ~~registration~~ license certificate, and ~~shall~~ is not be transferable.

35 (2) ~~The term "surveying"~~ "Surveying measurement certification"  
 36 ~~shall not be construed to~~ does not permit the preparation of engineering or

1 architectural design documents or quantity estimate payment documents.

2 (c)(1) ~~Any~~ A professional surveyor may practice his or her profession  
3 through the medium of, or as a member or employee of, a ~~partnership, firm,~~  
4 ~~joint stock association, or corporation, provided that if:~~

5 (A) all ~~all~~ All surveys are signed and stamped with the  
6 signature and seal of the professional surveyor in responsible charge; and

7 (B) The firm has complied with § 17-48-207.

8 (2) The professional surveyor signing and sealing the  
9 surveys shall be personally and professionally responsible therefor, and his  
10 or her participation in any ~~form of business organization such as a~~  
11 ~~partnership, firm, joint stock association, or corporation,~~ firm either as a  
12 partner, principal, or employee, ~~shall~~ does not limit his or her individual  
13 liability.

14 (d) A surveyor intern may engage in the practice of land surveying  
15 only as an employee of or under the supervision of a professional surveyor.

16 (e) It ~~shall be~~ is unlawful for ~~any~~ a person to prepare, distribute,  
17 or place the public records, maps, documents, digital files, or other data  
18 that bear or contain a seal or any certification consisting of a verbal,  
19 numerical, or symbolic representation of the accuracy or precision of  
20 surveying measurements as defined in § 17-48-101~~(5)~~(4) or ~~which~~ that bear or  
21 contain a statement of determination by an authoritative professional source  
22 unless the maps, documents, digital files, or other data bear or contain the  
23 seal of a professional surveyor or professional engineer practicing within  
24 his or her respective discipline.

25 (f) ~~The provisions of this chapter shall~~ This chapter does not apply  
26 to:

27 (1) The usual symbols and statements of the cartographic  
28 representation of scale and direction, including, ~~but not limited to,~~ without  
29 limitation scale ratios, scale bars, and north arrows;

30 (2) The preparation and attachment of metadata or to the  
31 scientific analysis of measurement data for research by a person who is not a  
32 professional surveyor or professional engineer; and

33 (3) ~~Any~~ A government agency or office in conducting its  
34 statutory or constitutional duties to certify representations of spatial  
35 data.

36 (g) ~~Nothing in this chapter~~ This chapter does not impair or reduce the

1 scope of:

2 (1) The professional practice of engineers as defined by statute  
3 and rules of the board; and

4 (2) The professional practice of professional architects as  
5 defined by statute and rules of the Arkansas State Board of Architects.

6  
7 17-48-202. Application.

8 (a) Application for ~~registration~~ licensure as a professional surveyor  
9 or surveyor intern shall be made on forms provided by the State Board of  
10 Registration Licensure for Professional Engineers and ~~Land~~ Professional  
11 Surveyors to be signed and sworn to by the applicant.

12 (b) The forms shall contain statements made under oath, showing the  
13 applicant's education, experience record, references, and any other pertinent  
14 information as determined by the board.

15 ~~(c) All applicants shall furnish references from five (5) persons~~  
16 ~~having knowledge of work done by the applicant.~~

17 ~~(d) Applications shall be filed with the secretary of the board and~~  
18 ~~shall be accompanied by an application fee of not more than thirty-five~~  
19 ~~dollars (\$35.00) for professional surveyor applicants and not more than ten~~  
20 ~~dollars (\$10.00) for professional surveyor intern applicants.~~

21 ~~(e) Should the board deny the issuance of a certificate of~~  
22 ~~registration to any applicant, one-half (1/2) the fee paid shall be retained as~~  
23 ~~an examination fee.~~

24  
25 17-48-203. Qualifications - Certification.

26 (a) ~~Any~~ A person who ~~shall show~~ shows to the satisfaction of the State  
27 Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~  
28 Professional Surveyors that he or she is a person of good character and  
29 reputation and over twenty-one (21) years of age shall be eligible for  
30 ~~registration~~ licensure as a professional surveyor, ~~provided that if~~ he or she  
31 qualifies under one (1) of the following provisions:

32 (1) A person holding a certificate of ~~registration~~ licensure to  
33 engage in the practice of land surveying issued to him or her on the basis of  
34 a written examination by proper authority of a state, territory, possession  
35 of the United States, the District of Columbia, or any foreign country, based  
36 on requirements and qualifications as shown on his or her application, ~~which,~~

1 that in the opinion of the board, are equal to or higher than the  
 2 requirements of this chapter, may be ~~registered~~ licensed at the discretion of  
 3 the board;

4 (2)(A) A graduate from an approved engineering curriculum with  
 5 sufficient surveying courses or ~~any~~ a surveying technology curriculum of two  
 6 (2) years or more approved by the board, followed by at least two (2) years  
 7 of land surveying ~~which~~ that must be surveying experience of a character  
 8 satisfactory to the board, who ~~shall have~~ has passed a written examination  
 9 designed to show that he or she is qualified to practice land surveying in  
 10 this state, may be ~~registered~~ licensed, ~~provided that~~ if he or she is  
 11 otherwise qualified.

12 (B) Each year of teaching land surveying in an approved  
 13 engineering or surveying curriculum may be considered as equivalent to one  
 14 (1) year of land surveying experience; or

15 (3)(A) An applicant who cannot qualify under subdivision (a)(2)  
 16 of this section and who has six (6) years or more of active experience in  
 17 land surveying of a character satisfactory to the board and who ~~shall have~~  
 18 has passed a written examination designed to show that he or she is qualified  
 19 to practice land surveying may be granted a certificate of ~~registration~~  
 20 licensure to practice land surveying in this state, ~~provided that~~ if he or  
 21 she is otherwise qualified.

22 (B) Each year of satisfactory work in an approved  
 23 engineering or engineering technology curriculum majoring in surveying may be  
 24 considered as one (1) year of experience in land surveying, but not exceeding  
 25 two (2) years.

26 (b) ~~Any~~ A person who ~~shall show~~ shows to the satisfaction of the board  
 27 that he or she is a person of good character shall be eligible for  
 28 ~~registration~~ licensure as a surveyor intern, ~~provided that~~ if he or she  
 29 qualifies under one (1) of the following provisions:

30 (1) A person holding a certificate of ~~registration~~ licensure as  
 31 a surveyor intern issued to him or her on the basis of a written examination  
 32 by proper authority of a state, territory, possession of the United States,  
 33 the District of Columbia, or any foreign country, based on requirements and  
 34 qualifications as shown on his or her application, which requirements and  
 35 qualifications, in the opinion of the board, are equal to or higher than the  
 36 requirements of this chapter, may be ~~registered~~ licensed as a surveyor intern



1 at the discretion of the board;

2 (2) A graduate from an approved engineering curriculum with  
3 sufficient surveying courses, or any surveying technology curriculum of two  
4 (2) years or more, approved by the board, who ~~shall have~~ has passed a written  
5 examination designed to show that he or she is proficient in surveying  
6 fundamentals, may be ~~registered~~ licensed, ~~provided that if~~ he or she is  
7 otherwise qualified; or

8 (3)(A) An applicant who cannot qualify under subdivision (b)(2)  
9 of this section and who has four (4) years or more of active experience in  
10 land surveying of a character satisfactory to the board and who ~~shall have~~  
11 has passed a written examination designed to show that he or she is  
12 proficient in surveying fundamentals may be ~~registered~~ licensed, ~~provided~~  
13 ~~that if~~ he or she is otherwise qualified.

14 (B) Each year of satisfactory work in an approved  
15 engineering or engineering technology curriculum majoring in surveying may be  
16 considered as one (1) year of experience in land surveying, but not exceeding  
17 two (2) years.

18  
19 17-48-204. Expiration and renewal – Inactive status – Reinstatement.

20 (a) All certificates shall be renewed annually or ~~biannually~~  
21 biennially at the discretion of the State Board of ~~Registration~~ Licensure for  
22 Professional Engineers and ~~Land~~ Professional Surveyors.

23 (b) Certificates of ~~registration~~ licensure for professional surveyors  
24 and professional surveyor interns shall be renewed by the board to persons  
25 who are holders of certificates issued under this chapter who ~~shall~~ have  
26 furnished evidence satisfactory to the board of compliance with the  
27 requirements of § 17-48-206(a).

28 (c)(1)(A) Notwithstanding ~~the provisions of~~ subsection (b) of this  
29 section, a professional surveyor or surveyor intern ~~registered~~ licensed under  
30 this chapter who is not engaged in the practice of land surveying may request  
31 in writing that the board, ~~in writing, to~~ place his or her name on the  
32 board's inactive roll, thereby granting him or her inactive status and  
33 protecting his or her right to obtain a certificate of ~~registration pursuant~~  
34 to licensure under subsection (b) of this section at such later time as he or  
35 she may wish to become engaged in the practice of land surveying.

36 (B) Inactive status shall continue as long as the licensee

1 pays the annual fee under the board's rules.

2 (2) ~~If upon receipt of notification the board determines that~~  
 3 ~~the registered professional surveyor is not engaged in the practice of land~~  
 4 ~~surveying, the registered professional surveyor will be permitted to retain~~  
 5 ~~his or her initial certificate of registration by paying an annual~~  
 6 ~~registration fee~~ A professional surveyor whose license is inactive may return  
 7 to active status by:

8 (A) Notifying the board in advance of his or her  
 9 intention to return to active status;

10 (B) Paying the appropriate fees; and

11 (C) Meeting all requirements of the board, including  
 12 demonstration of continuing professional competency.

13 (d) ~~In the event a registered professional surveyor or surveyor intern~~  
 14 ~~shall fail either to apply for an annual certificate of registration or to be~~  
 15 ~~placed on the board's inactive roll within six (6) months from the expiration~~  
 16 ~~date of the certificate of registration last obtained pursuant to subsection~~  
 17 ~~(b) or (c) of this section, it shall deprive him or her of the right to apply~~  
 18 ~~for a certificate of registration or inactive status unless the board, in its~~  
 19 ~~discretion, determines the failure to have been due to a reasonable cause. In~~  
 20 ~~that case, in its discretion, the board may require any or all of the~~  
 21 ~~following:~~

22 ~~(1) A reinstatement fee;~~

23 ~~(2) The total annual registration fees which would have been~~  
 24 ~~paid under this section during the period when neither a certificate of~~  
 25 ~~registration nor inactive status was maintained; or~~

26 ~~(3) Successful completion of a written examination designed to~~  
 27 ~~show that the professional surveyor is qualified to resume the practice of~~  
 28 ~~land surveying in this state~~ A professional surveyor or surveyor intern whose  
 29 certificate of licensure has not been renewed may have it reinstated by  
 30 meeting all requirements of the board, including:

31 (1) Payment of fees;

32 (2) Payment of applicable penalties;

33 (3) Demonstration of continuing professional competency; and

34 (4) Reexamination.

35  
 36 17-48-205. Revocation.

1       ~~If after a hearing the~~ The Arkansas State Board of ~~Registration~~  
 2       Licensure for Professional Engineers and ~~Land~~ Professional Surveyors shall  
 3       revoke the license of a professional surveyor or surveyor intern if after a  
 4       hearing the board finds that ~~any registered the~~ professional surveyor or  
 5       surveyor intern;

6               (1) ~~secured~~ Secured his or her ~~registration~~ license  
 7       through the practice of fraud or deceit or through false statements made in  
 8       his or her application for his or her ~~registration~~ license in any document  
 9       subsequently filed or in any oral testimony subsequently given in support of  
 10      the applications;

11              (2) ~~that he or she has~~ Has been guilty of any gross  
 12      negligence, incompetence, or misconduct in the practice of land surveying;  
 13      or

14              (3) ~~that he or she has~~ Has been convicted of any felony or  
 15      crime involving moral turpitude, ~~then the board shall revoke the registration~~  
 16      ~~of the accused.~~

17  
 18              17-48-206. Continuing education requirements.

19              (a)(1)(A) After the expiration of the two-year period immediately  
 20      following the effective date of the adoption of regulations by the Arkansas  
 21      State Board of ~~Registration~~ Licensure for Professional Engineers and ~~Land~~  
 22      Professional Surveyors establishing requirements of continuing education,  
 23      every application for renewal of a certificate of ~~registration~~ licensure  
 24      under this section shall be accompanied or supported by such evidence as the  
 25      board ~~shall prescribe~~ prescribes documenting the completion of fifteen (15)  
 26      hours of acceptable continuing education, approved by the board, during the  
 27      twelve-month period immediately preceding the date of application.

28              (B) Failure by an applicant to provide this evidence  
 29      ~~shall constitute~~ constitutes grounds for revocation, suspension, or refusal  
 30      to renew the permit unless the board, in its discretion, ~~shall determine~~  
 31      determines the failure ~~to have been~~ is due to reasonable cause or the  
 32      applicant was not engaged in the practice of land surveying and maintained  
 33      his or her initial certificate of ~~registration as prescribed by~~ licensure  
 34      under § 17-48-204(c).

35              (2)(A) In its discretion, the board may renew a certificate of  
 36      ~~registration~~ licensure despite the failure to furnish evidence of

1 satisfaction of requirements of continuing education and may issue a  
 2 certificate of ~~registration~~ licensure to an applicant who has previously  
 3 maintained inactive status under § 17-48-204(c) upon the condition that the  
 4 applicant follow a particular program or schedule of continuing education.

5 (B) In issuing rules, regulations, and individual orders  
 6 in respect to requirements of continuing education, in its discretion the  
 7 board:

8 (i) May, among other things, use and rely upon  
 9 guidelines and pronouncements of recognized educational and professional  
 10 associations;

11 (ii) May prescribe content, duration, and  
 12 organization of courses;

13 (iii) Shall take into account the accessibility to  
 14 applicants of such continuing education as it may require; and

15 (iv) May provide for relaxation or suspension of  
 16 requirements in regard to applicants who certify that they do not intend to  
 17 engage in the practice of land surveyors and for instances of individual  
 18 hardship.

19 (3) In its discretion, the board may exempt ~~registered~~ licensed  
 20 professional surveyors sixty (60) years of age or with twenty (20) or more  
 21 years' experience as practicing professional surveyors within this state from  
 22 the provisions of this subsection.

23 (b)(1) The board ~~is authorized to~~ may prescribe regulations,  
 24 procedures, and policies in the manner and condition under which credit shall  
 25 be given for participation in a program of continuing education that the  
 26 board may deem necessary and appropriate to maintain the highest standard of  
 27 proficiency in the profession of land surveying.

28 (2) Examples of programs of continuing education ~~which will be~~  
 29 that are acceptable include, ~~but are not limited to,~~ without limitation  
 30 programs or seminars sponsored by higher educational institutions, government  
 31 agencies, professional organizations of registered land surveyors, and  
 32 related professions.

33  
 34 SECTION 8. Arkansas Code Title 17, Chapter 48, Subchapter 2 is amended  
 35 to add an additional section to read as follows:

36 17-48-207. Certificates of authorization.

1       (a) A firm that practices or offers to practice surveying is required  
2 to obtain a certificate of authorization from the State Board of Licensure  
3 for Professional Engineers and Professional Surveyors under the board's  
4 rules.

5       (b)(1) In order to obtain a certificate of authorization, a surveying  
6 firm shall file an application with the board on a form provided by the board  
7 and shall provide all information required by the board's rules.

8       (2) A firm shall file a new application with the board on a form  
9 provided by the board:

10       (A) Upon renewal of the certificate of  
11 authorization; and

12       (B) Within thirty (30) days of the time that any of the  
13 information contained in the application form changes or differs for any  
14 reason from the information contained in the original application form.

15       (3) If in the judgment of the board the application meets the  
16 requirements of this chapter, the board shall issue a certificate of  
17 authorization for the surveying firm.

18       (c) A certificate of authorization is not required for a firm  
19 performing surveying for:

20       (1) Itself;

21       (2) The firm's parent organization; or

22       (3) A subsidiary of the firm.

23       (d)(1) A firm shall not be relieved of responsibility for the conduct  
24 or acts of its agents, employees, officers, partners, members, or managers by  
25 reason of its compliance with this section.

26       (2) An individual practicing surveying under this chapter shall  
27 not be relieved of his or her responsibility for surveying services performed  
28 by reason of employment or other relationship with a firm holding a  
29 certificate of authorization.

30       (e)(1) Unless the board has first issued a certification of  
31 authorization or a letter stating the eligibility of an applicant to receive  
32 a certificate of authorization, the Secretary of State shall not accept  
33 organization papers or issue a certificate of incorporation, licensure, or  
34 authorization to a firm that includes among the objectives for which it is  
35 established or within its name, the words:

36       (A) Surveyor;

1                   (B) Surveying; or

2                   (C) Any modification or derivation of surveyor or  
3 surveying.

4                   (2) The firm applying to the Secretary of State shall supply the  
5 certificate of authorization or letter from the board indicating eligibility  
6 for a certificate of authorization with its application for incorporation,  
7 licensure, or authorization.

8                   (f) The Secretary of State shall decline to license a trade name or  
9 service mark that includes the words surveyor, surveying, or any modification  
10 or derivation of surveyor or surveying in its firm name or logotype except in  
11 the case of a firm that has a certificate of authorization under this  
12 section.

13                   (g) The certificate of authorization may be renewed under § 17-48-204.

14                   (h) A surveyor who renders occasional, part-time or consulting  
15 surveying services to or for a firm may not, for the purposes of this  
16 section, be designated as being in responsible charge of the professional  
17 activities of the firm unless the surveyor is an officer or owner of the  
18 firm.