

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 421

BY BUSINESS COMMITTEE

AN ACT

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

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

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

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

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

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

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

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

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

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

(7) "Land survey" means measuring the field location of corners that:

(a) Determine the boundary or boundaries common to two (2) or more own-
erships;

(b) Retrace or establish land boundaries;

(c) Retrace or establish boundary lines of public roads, streets, al-
leys or trails; or

(d) Plat lands and subdivisions thereof.

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

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

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

24 (11) "Professional land surveying" and "practice of professional land
25 surveying" mean responsible charge of land surveying to determine the cor-
26 rect boundary description, to establish or reestablish land boundaries, to
27 plat lands and subdivisions thereof or to certify elevation information.
28 Any person shall be construed to practice or offer to practice professional
29 land surveying who engages in professional land surveying, or who, by verbal
30 claim, sign, advertisement, letterhead, card, or in any other way represents
31 himself to be a professional land surveyor, or who represents himself as able
32 to perform or who does perform any professional land surveying service or
33 work or any other service designated by the practitioner which is profes-
34 sional land surveying.

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

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

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

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

1 (16) "Signature" means either: an original handwritten message identi-
2 fication containing the name of the person who applied it; or a digital sig-
3 nature which is an electronic authentication process attached to or logi-
4 cally associated with an electronic document. The digital signature must be
5 unique to the person using it; must be capable of verification; must be un-
6 der the sole control of the person using it; and must be linked to a document
7 in such a manner that the digital signature is invalidated if any data in the
8 document is changed.

9 (17) "Standard design plan" means a building, structure, equipment or
10 facility which is intended to be constructed or sited at multiple locations
11 and for which some or all of the plans must be prepared by a professional en-
12 gineer.