

HOUSE BILL NO. 172

INTRODUCED BY J. FULLER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF THE "PRACTICE OF LAND SURVEYING"; AND AMENDING SECTION 37-67-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-67-101, MCA, is amended to read:

"37-67-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Board" means the board of professional engineers and professional land surveyors provided for in 2-15-1763.

(2) "Branch office" means any office or location where business is conducted that is not the headquarters, main office, home office, or other primary location of a sole proprietorship, firm, partnership, or corporation for purposes of regulation under 37-67-328.

(3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(4) "Engineer intern" means a person who complies with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this chapter.

(5) (a) "Engineering survey" means all survey activities required to support the sound conception, planning, design, construction, maintenance, operation, and association of engineering projects.

(b) The term does not include the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

(6) "Land surveyor intern" means a person who has qualified for, taken, and passed an examination on the basic disciplines of land surveying, as provided in this chapter.

(7) (a) "Practice of engineering" means:

1 (i) any service or creative work the adequate performance of which requires engineering education,
 2 training, and experience in the application of special knowledge of the mathematical, physical, and engineering
 3 sciences to the services or creative work as consultation, investigation, evaluation, planning and design of
 4 engineering works and systems, planning the use of water, teaching of advanced engineering subjects,
 5 engineering surveys, and the inspection of construction for the purpose of ensuring compliance with drawings
 6 and specifications;

7 (ii) any of the functions described in subsection (7)(a)(i) that embrace the services or work, either
 8 public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work
 9 systems, projects, and industrial or consumer products or equipment of mechanical, electrical, hydraulic,
 10 pneumatic, or thermal nature insofar as they involve safeguarding life, health, or property.

11 (b) The term includes other professional services necessary to the planning, progress, and
 12 completion of any engineering services.

13 (c) The term does not include the work ordinarily performed by persons who operate or maintain
 14 machinery or equipment, communication lines, signal circuits, electric powerlines, or pipelines.

15 (8) "Practice of land surveying" means any service or work, the performance of which requires the
 16 application of special knowledge of the principles of mathematics, physical sciences, applied sciences, and:

17 (a) the principles of property boundary law to the recovery and preservation of evidence pertaining to
 18 earlier land surveys;

19 (b) teaching of land surveying subjects;

20 (c) measurement and allocation of lines, angles, elevations, and coordinate systems; and

21 ~~(d) location of natural and constructed features in the air, on the surface of the earth, within~~
 22 ~~underground workings, and on the beds of bodies of water, including work for the determination of areas and~~
 23 ~~volumes;~~

24 ~~(e) monumenting of property boundaries;~~

25 ~~(f)~~(d) platting and layout of lands and the subdivisions of land, including the alignment and grades of
 26 streets and roads in subdivisions;

27 ~~(g) preparation and perpetuation of maps, plats, field note records, and property descriptions; and~~

28 ~~(h) locating, relocating, establishing, reestablishing, laying out, or retracing of any property line or~~

1 ~~boundary of any tract of land or road, right-of-way, easement, right-of-way easement, alignment, or elevation of~~
2 ~~any of the fixed works embraced within the practice of engineering.~~

3 (9) "Professional engineer" means a person who, by reason of special knowledge and use of the
4 mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and
5 design acquired by engineering education and engineering experience, is qualified to practice engineering and
6 who has been licensed as a professional engineer by the board.

7 (10) "Professional land surveyor" means a person who:

8 (a) has been licensed as a land surveyor by the board;

9 (b) is a professional specialist in the technique, analysis, and application of measuring land;

10 (c) is skilled and educated in the principles of mathematically related physical and applied sciences,
11 relevant requirements of law for adequate evidence, and all requisites to the surveying of real property; and

12 (d) is engaged in the practice of land surveying.

13 (11) "Responsible charge" means direct charge and control and personal supervision either of
14 engineering work or of land surveying. Only a professional engineer or a professional land surveyor may legally
15 assume responsible charge under this chapter."

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