

PROFESSIONAL ENGINEERS AND
LAND SURVEYORS BOARD LAWS
AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 67
ENGINEERS AND LAND SURVEYORS

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CHAPTER 67 ENGINEERS AND LAND SURVEYORS

Chapter Cross-References

- Construction contracts, Title 18, ch. 2.
- Procurement of architectural, engineering, and land surveying services by governmental entities, Title 18, ch. 8, part 2.
- Limitations on actions arising out of work on improvements to real property, 27-2-208.
- Professional service corporations, Title 35, ch. 4.
- Exemption of engineers from licensure as sanitarian, 37-40-102.
- Building construction standards, Title 50, ch. 60.
- Professional land surveyor — entry on land — trespass exception, 70-16-111.
- Corner Recordation Act of Montana — surveys and coordinates, Title 70, ch. 22.
- Surveying — actions arising from, 70-28-113.

Chapter Administrative Rules

- Title 24, chapter 183, ARM Board of Professional Engineers and Professional Land Surveyors.
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Part 1 General

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:
 - (i) any service or creative work the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of water, teaching of advanced engineering subjects, engineering surveys, and the inspection of construction for the purpose of ensuring compliance with drawings and specifications;
 - (ii) any of the functions described in subsection (7)(a)(i) that embrace the services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of mechanical, electrical, hydraulic, pneumatic, or thermal nature insofar as they involve safeguarding life, health, or property.

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

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

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

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

(b) teaching of land surveying subjects;

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

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

(e) monumenting of property boundaries;

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

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

(h) locating, relocating, establishing, reestablishing, laying out, or retracing of any property line or boundary of any tract of land or road, right-of-way, easement, right-of-way easement, alignment, or elevation of any of the fixed works embraced within the practice of engineering.

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

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

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

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

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

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

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

History: En. Sec. 2, Ch. 366, L. 1975; R.C.M. 1947, 66-2350(part); amd. Sec. 25, Ch. 22, L. 1979; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 2, Ch. 553, L. 1985; amd. Sec. 1, Ch. 108, L. 1995; amd. Sec. 150, Ch. 483, L. 2001; amd. Sec. 49, Ch. 492, L. 2001; amd. Sec. 1, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 inserted definition of branch office; and made minor changes in style. Amendment effective February 12, 2015.

2001 Amendments — Composite Section: Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

Chapter 492 inserted definition of engineering survey; in definition of practice of land surveying inserted (h) regarding property line or boundary; in definition of professional engineer near end after "who has been" deleted "registered and"; in definition of professional land surveyor in (a) near beginning after "has been" deleted "registered and"; and made minor changes in style. Amendment effective October 1, 2001.

1995 Amendment: Chapter 108 substituted engineer intern for engineer-in-training as defined term; substituted land surveyor intern for land surveyor-in-training as defined term; and made minor changes in style.

1985 Amendment: In (4) in middle, substituted "technique, analysis, and application of measuring land, skilled and educated in the principles of mathematically related physical and applied sciences" for "technique of measuring land, educated in the basic principles of mathematics, related physical and applied sciences"; in (7) before "performance", deleted "adequate" and before "knowledge", inserted

"special"; in (7)(c) at end, inserted "and coordinate systems"; in (9) after "direct", inserted "charge and"; and in (1), (4), and (9), before "land surveyor(s)", inserted "professional".

1981 Amendment: Substituted "department of commerce" for "department of professional and occupational licensing" in (2); changed internal references to the department and the board.

Administrative Rules

ARM 24.183.301 Definition of responsible charge for professional engineers and land surveyors.

ARM 24.183.1108 General principals.

ARM 24.183.1109 Geomatics definitions.

ARM 24.183.1110 Activities included within surveying practice.

37-67-102. Representation as practitioner to be considered as practice. (1) A person must be considered to practice or offer to practice engineering, within the meaning and intent of this chapter, who:

(a) practices any branch of the profession of engineering;

(b) by verbal claim, sign, advertisement, letterhead, card, or in any other way represents that the person is a professional engineer or through the use of some other title implies that the person is a professional engineer or is licensed under this chapter; or

(c) represents that the person is able to perform or does perform any engineering service or work or any other service designated by the practitioner that is recognized as engineering.

(2) A person must be considered to practice or offer to practice land surveying, within the meaning and intent of this chapter, who:

(a) engages in land surveying;

(b) by verbal claim, sign, letterhead, card, or in any other way represents that the person is a professional land surveyor or through the use of some other title implies that the person is a professional land surveyor; or

(c) represents that the person is able to perform or does perform any land surveying service or work or any other service designated by the practitioner that is recognized as land surveying.

History: En. 66-2369 by Sec. 17, Ch. 366, L. 1975; R.C.M. 1947, 66-2369; amd. Sec. 3, Ch. 553, L. 1985; amd. Sec. 50, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 in (1)(b) near end after "professional engineer or is" substituted "licensed" for "registered"; and made minor changes in style. Amendment effective October 1, 2001.

1985 Amendment: In (2) in two places inserted "professional" before "land surveyor".

Part of Section Not Codified: A portion of section 66-2350(3), R.C.M. 1947, specifying what persons shall be construed to practice engineering, has not been codified in the MCA, as the Code Commissioner determined it to be redundant with subsection (2) of this section. However, it has not been repealed and is still valid law. Citation may be made to sec. 17, Ch. 366, L. 1975.

37-67-103. Exemptions. The following are exempt from licensure under this chapter:

(1) the practice of any other legally recognized professions or trades;

(2) the mere execution of work by a contractor, as distinguished from its planning or design or the supervision of the construction of work as a lead supervisor or superintendent;

(3) the work of an employee or a subordinate of a person holding a license under this chapter or an employee of a person practicing lawfully under this chapter if the work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a license under this chapter or a person practicing lawfully under this chapter;

(4) the practice of professional engineering by licensed architects when the practice is purely incidental to their practice of architecture.

History: En. 66-2367 by Sec. 15, Ch. 366, L. 1975; R.C.M. 1947, 66-2367; amd. Sec. 4, Ch. 553, L. 1985; amd. Sec. 51, Ch. 492, L. 2001; amd. Sec. 2, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 in introductory clause substituted "licensure" for "coverage". Amendment effective February 12, 2015.

2001 Amendment: Chapter 492 in (3) near beginning and end after "of a person holding a" substituted "license" for "certificate of registration"; and made minor changes in style. Amendment effective October 1, 2001.

1985 Amendment: Deleted former (5) that read: "the practice of professional engineering or land surveying in this state by a firm, partnership, corporation, or joint-stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, partnership, corporation, or joint-stock association which constitutes the practice is a professional engineer or land surveyor holding a certificate of registration under this chapter".

Administrative Rules

ARM 24.183.801 Comity consideration for professional land surveyors.

ARM 24.183.1111 Activities excluded from surveying practice.

Part 2

Board of Professional Engineers and Professional Land Surveyors

Part Cross-References

Right to know, Art. II, sec. 9, Mont. Const.

Seal defined, 1-4-201.

Open meetings, Title 2, ch. 3, part 2.

Meeting defined, 2-3-202.

Allocation of boards for administrative purposes, 2-15-121.

Quasi-judicial boards, 2-15-124.

Board established, 2-15-1763.

Duties of Department, Director, and boards, Title 37, ch. 1, part 1.

Part Administrative Rules

Title 24, chapter 183, subchapter 1, ARM Organizational rules.

Title 24, chapter 183, subchapter 2, ARM Procedural rules.

37-67-201. Organization — meetings — seal. (1) The board shall hold at least two regular meetings each year. Special meetings must be held at the time that the rules of the board provide. Notice of all meetings must be given in the manner that the rules provide.

(2) The board shall elect annually the following officers: a presiding officer, a vice presiding officer, and a secretary.

(3) The board shall adopt an official seal.

History: (1) thru (3)En. Sec. 8, Ch. 150, L. 1957; Sec. 66-2331, R.C.M. 1947; redes. 66-2352 by Sec. 3, Ch. 366, L. 1975; amd. Sec. 1, Ch. 317, L. 1977; Sec. 66-2352, R.C.M. 1947; (4)En. Sec. 9, Ch. 150, L. 1957; amd. Sec. 3, Ch. 282, L. 1969; Sec. 66-2332, R.C.M. 1947; redes. 66-2353 by Sec. 3, Ch. 366, L. 1975; Sec. 66-2353, R.C.M. 1947; R.C.M. 1947, 66-2352, 66-2353(part); amd. Sec. 4, Ch. 408, L. 1979; amd. Sec. 52, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 deleted former (3) that read: "(3) A quorum of the board shall consist of not less than five members"; and made minor changes in style. Amendment effective October 1, 2001.

Cross-References

Disrupting meeting as disorderly conduct, 45-8-101.

37-67-202. Rulemaking. The board may adopt rules reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.

History: En. Sec. 9, Ch. 150, L. 1957; amd. Sec. 3, Ch. 282, L. 1969; Sec. 66-2332, R.C.M. 1947; redes. 66-2353 by Sec. 3, Ch. 366, L. 1975; R.C.M. 1947, 66-2353(part); amd. Sec. 121, Ch. 429, L. 1995; amd. Sec. 3, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 after "rules" deleted "including rules of procedure"; and made minor changes in style. Amendment effective February 12, 2015.

1995 Amendment: Chapter 429 after "procedure" deleted "not inconsistent with the constitution and laws of this state, which may be"; deleted (2) that read: "(2) In carrying into effect the provisions of this chapter, the board, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their attendance and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the district court setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person requiring his attendance before such authority and there to testify or to produce such books, papers, and documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of said court"; and made minor changes in style.

Severability: Section 131, Ch. 429, L. 1995, was a severability clause.

Saving Clause: Section 132, Ch. 429, L. 1995, was a saving clause.

Applicability: Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.
Power of hearings officer to issue subpoenas, 2-4-611.
Allocation for administrative purposes only, 2-15-121.
Quasi-judicial boards, 2-15-124.
Subpoenas, Title 26, ch. 2, part 1.

Administrative Rules

Title 24, chapter 183, ARM Board of Professional Engineers and Professional Land Surveyors.

37-67-203. Compensation of board members — expenses. Each member of the board shall receive compensation and travel expenses as provided for in 37-1-133.

History: En. Sec. 6, Ch. 150, L. 1957; Sec. 66-2329, R.C.M. 1947; amd. Sec. 40, Ch. 439, L. 1975; redes. 66-2351 by Sec. 3, Ch. 366, L. 1975; R.C.M. 1947, 66-2351; amd. Sec. 32, Ch. 474, L. 1981.

Compiler's Comments

1981 Amendment: Substituted section (see 1981 Session Law) for former text that read: "Each member of the board shall receive per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel. Such per diem shall be fixed by the board in its sound discretion, but it shall not exceed \$25 per day. In addition thereto, each member shall be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, involved in carrying out the provisions of this chapter".

Board Compensation and Travel Expenses — Preamble: The preamble of SB 463 (Ch. 474, L. 1981), which provided for uniform compensation and travel expenses for Board members, is located in the compiler's comments under 37-1-133.

37-67-204. Record of proceedings — register of applicants. (1) The department shall keep a record of its proceedings and a register of the board's proceedings.

(2) The department shall keep a register of applicants for licensure, which must show:

- (a) the name, age, and residence of each applicant;
- (b) the date of the application;
- (c) the place of business of the applicant;
- (d) the applicant's educational and other qualifications;
- (e) the branch or branches of engineering in which the applicant qualified;
- (f) whether an examination was required;

- (g) whether the applicant was rejected;
- (h) whether a license was granted;
- (i) the date of the action of the board; and
- (j) other information considered necessary by the board.

(3) The records of the department are prima facie evidence of the proceedings of the board, and a transcript of the proceedings, certified by the department, is admissible in evidence as if the original were produced.

History: En. Sec. 11, Ch. 150, L. 1957; Sec. 66-2334, R.C.M. 1947; amd. Sec. 27, Ch. 93, L. 1969; amd. Sec. 217, Ch. 350, L. 1974; redes. 66-2355 by Sec. 3, Ch. 366, L. 1975; R.C.M. 1947, 66-2355; amd. Sec. 53, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 in (2) in introductory clause after "register of applicants for" substituted "licensure" for "registration"; in (2)(h) after "whether a" substituted "license" for "certificate of registration"; and made minor changes in style. Amendment effective October 1, 2001.

Cross-References

- Public records, Title 2, ch. 6.
- Preservation of records, Title 22, ch. 3, part 2.
- Duty of Department to keep records, 37-1-101.

Part 3 Licensing

Part Cross-References

- Oath defined, 1-1-201.
- Proof of execution, Title 1, ch. 5, part 3.
- Power of notary to take acknowledgments, 1-5-603, 1-5-604.
- Licensing to follow contested case procedure, 2-4-631.
- Recognition of out-of-state licenses during disaster or emergency, 10-3-204.
- Duty of Department to administer and grade examinations and to investigate unprofessional conduct, 37-1-101.
- Reporting disciplinary actions against licensees, 37-1-105.
- Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.
- Licensing boards to establish fees commensurate with costs, 37-1-134.
- Licensing investigation and review — record access, 37-1-135.
- Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.
- Licensure of criminal offenders, Title 37, ch. 1, part 2.
- Perjury, 45-7-201.
- False swearing, 45-7-202.
- Nondiscrimination in licensing, 49-3-204.

Part Law Review Articles

- Architect and Engineer Liability, Fain, 46 Def. L.J. 187 (1997).
- Is There New Liability for Architects and Engineers?, Lorell, 140 N.J.L.J. 10 (1995).

37-67-301. License required to practice or offer to practice. In order to safeguard life, health, and property and to promote the public welfare, a person in either a public or private capacity practicing or offering to practice engineering or land surveying is required to submit evidence that the person is qualified to practice and is licensed as provided in this chapter. It is unlawful for a person to practice or to offer to practice in this state engineering or land surveying or to use in connection with the person's name or otherwise assume, use, or advertise any title or description tending to convey the impression that the person is a professional engineer or a professional land surveyor unless the person has been licensed under the provisions of this chapter.

History: En. Sec. 1, Ch. 150, L. 1957; Sec. 66-2324, R.C.M. 1947; redes. 66-2349 by Sec. 3, Ch. 366, L. 1975; R.C.M. 1947, 66-2349; amd. Sec. 6, Ch. 553, L. 1985; amd. Sec. 54, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 in first sentence near end after "to practice and is" and in second sentence near end after "the person has been" substituted "licensed" for "registered"; and made minor changes in style. Amendment effective October 1, 2001.

1985 Amendment: Near end, before "land surveyor", inserted "professional".

Administrative Rules

Title 24, chapter 183, subchapter 5, ARM Licensing.

Title 24, chapter 183, subchapter 7, ARM Licensure of professional engineers.

Title 24, chapter 183, subchapter 8, ARM Licensure of professional land surveyors.

Title 24, chapter 183, subchapter 22, ARM Unprofessional conduct.

37-67-302. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. Sec. 9, Ch. 150, L. 1957; amd. Sec. 3, Ch. 282, L. 1969; Sec. 66-2332, R.C.M. 1947; redes. 66-2353 by Sec. 3, Ch. 366, L. 1975; R.C.M. 1947, 66-2353(part).

37-67-303. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. Sec. 14, Ch. 150, L. 1957; Sec. 66-2337, R.C.M. 1947; amd. Sec. 5, Ch. 282, L. 1969; amd. Sec. 2, Ch. 364, L. 1971; amd. Sec. 219, Ch. 350, L. 1974; amd. Sec. 7, Ch. 215, L. 1975; redes. 66-2358 by Sec. 6, Ch. 366, L. 1975; amd. Sec. 21, Ch. 101, L. 1977; amd. Sec. 3, Ch. 317, L. 1977; R.C.M. 1947, 66-2358(1) thru (8); amd. Sec. 5, Ch. 408, L. 1979; amd. Sec. 66, Ch. 345, L. 1981; amd. Sec. 1, Ch. 489, L. 1981; amd. Sec. 7, Ch. 553, L. 1985; amd. Sec. 1, Ch. 72, L. 1987; amd. Sec. 2, Ch. 108, L. 1995; amd. Sec. 55, Ch. 492, L. 2001; amd. Sec. 13, Ch. 196, L. 2003; amd. Sec. 108, Ch. 467, L. 2005.

37-67-304. Local government not to impose fee or examination. A license fee or examination may not be imposed by a local government on a person licensed under this chapter to practice engineering or land surveying.

History: En. Sec. 14, Ch. 150, L. 1957; Sec. 66-2337, R.C.M. 1947; amd. Sec. 5, Ch. 282, L. 1969; amd. Sec. 2, Ch. 364, L. 1971; amd. Sec. 219, Ch. 350, L. 1974; amd. Sec. 7, Ch. 215, L. 1975; redes. 66-2358 by Sec. 6, Ch. 366, L. 1975; amd. Sec. 21, Ch. 101, L. 1977; amd. Sec. 3, Ch. 317, L. 1977; R.C.M. 1947, 66-2358(9); amd. Sec. 3, Ch. 108, L. 1995; amd. Sec. 56, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 at beginning substituted "A license fee" for "A registration or license fee" and after "local government on a person" substituted "licensed" for "registered". Amendment effective October 1, 2001.

1995 Amendment: Chapter 108 after "license fee" substituted "or examination" for "or tax", substituted "by a local government" for "by a municipality or by any other political subdivision of the state", and after "chapter" inserted "to practice engineering or land surveying"; and made minor changes in style.

Attorney General's Opinions

Self-Government Powers — Professional Licensing — Conflict With State Statutes: The city of Helena, operating under a home rule charter, passed an ordinance requiring a license fee of all city businesses. State statutes that prohibit municipalities from imposing license fees on certain professions did not apply because the statutes were not made specifically applicable to self-government units. Home rule governments have all powers not specifically denied by the Montana Constitution, law, or charter. 39 A.G. Op. 60 (1982).

37-67-305. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(part); amd. Sec. 4, Ch. 108, L. 1995; amd. Sec. 57, Ch. 492, L. 2001.

37-67-306. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(part); amd. Sec. 2, Ch. 59, L. 1985; amd. Sec. 1, Ch. 107, L. 1995; amd. Sec. 58, Ch. 492, L. 2001; amd. Sec. 20, Ch. 100, L. 2011; amd. Sec. 1, Ch. 72, L. 2013.

37-67-307. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(1)(b); amd. Sec. 1, Ch. 59, L. 1985; amd. Sec. 5, Ch. 108, L. 1995; amd. Sec. 2, Ch. 72, L. 2013.

37-67-308. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(part); amd. Sec. 2, Ch. 489, L. 1981; amd. Sec. 1, Ch. 354, L. 1983; amd. Sec. 8, Ch. 553, L. 1985; amd. Sec. 2, Ch. 72, L. 1987; amd. Sec. 6, Ch. 108, L. 1995; amd. Sec. 59, Ch. 492, L. 2001.

37-67-309. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(part); amd. Sec. 2, Ch. 354, L. 1983; amd. Sec. 9, Ch. 553, L. 1985; amd. Sec. 3, Ch. 72, L. 1987; amd. Sec. 60, Ch. 492, L. 2001.

37-67-310. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(2)(b); amd. Sec. 3, Ch. 354, L. 1983; amd. Sec. 10, Ch. 553, L. 1985; amd. Sec. 4, Ch. 72, L. 1987; amd. Sec. 7, Ch. 108, L. 1995; amd. Sec. 61, Ch. 492, L. 2001.

37-67-311. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. 66-2359 by Sec. 7, Ch. 366, L. 1975; R.C.M. 1947, 66-2359; amd. Sec. 11, Ch. 553, L. 1985; amd. Sec. 8, Ch. 108, L. 1995; amd. Sec. 62, Ch. 492, L. 2001; amd. Sec. 14, Ch. 196, L. 2003; amd. Sec. 3, Ch. 72, L. 2013.

37-67-312. Licensure of professional engineers without examination by comity. A person holding a license or certificate of registration to engage in the practice of engineering in another state, territory, or possession of the United States, the District of Columbia, or any foreign country may be issued a license in this state if the person applies in the manner required by the board, meets the qualifications provided in 37-67-323, and has passed the principles and practices of engineering examination. An applicant whose initial licensure in another state does not meet the experience requirements of 37-67-323 must be required to demonstrate 2 years of postlicensure experience for each year of prelicensure deficiency.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(1)(a)(i); amd. Sec. 9, Ch. 108, L. 1995; amd. Sec. 63, Ch. 492, L. 2001; amd. Sec. 21, Ch. 100, L. 2011; amd. Sec. 10, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 deleted former (1) and (2) that read: "(1) A person holding a certificate of registration to engage in the practice of engineering issued to the person by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of this chapter and that were of a standard not lower than that specified in the applicable registration act in effect in this state at the time the certificate was issued, may upon application be licensed without further examination.

(2) A person holding a certificate of qualification issued by the committee on national engineering certification of the national council of examiners for engineering and surveying and whose qualifications meet the requirements of this chapter may upon application be licensed without further examination"; in first sentence inserted "or certificate of registration" and substituted "provided in 37-67-323, and has passed the principles and practices of engineering examination" for "provided in 37-67-306, and has taken and passed the examinations provided for in 37-67-306 and 37-67-311. The experience requirements of 37-67-306 may be met with experience gained after initial licensure that indicates to the board that the applicant is competent to practice engineering"; inserted last sentence concerning initial licensure in another state; and made minor changes in style. Amendment effective February 12, 2015.

2011 Amendment: Chapter 100 inserted (3) regarding licensing of person licensed in another state or country. Amendment effective October 1, 2011.

2001 Amendment: Chapter 492 in (1) and (2) near end after "may upon application be" substituted "licensed" for "registered". Amendment effective October 1, 2001.

1995 Amendment: Chapter 108 in (2) substituted "national council of examiners for engineering and surveying" for "national council of engineering examiners"; and made minor changes in style.

Purported Repeal — Coordination: Section 128, Ch. 429, L. 1995, repealed this section, but sec. 130, Ch. 429, L. 1995, a coordination section, voided the repeal.

Part of Section Not Codified: Section 66-2357(i)(a)(v), R.C.M. 1947, a temporary provision providing for licensure of persons with 8 or more years experience in engineering work, has not been codified in the MCA. However, the provision has not been repealed and is still valid law. Citation may be made to sec. 5, Ch. 366, L. 1975.

Cross-References

Recognition of out-of-state licenses during disaster or emergency, 10-3-204.

Administrative Rules

ARM 24.183.701 Comity for professional engineers.

37-67-313. Licensure of professional land surveyors by comity. A person holding a license or certificate of registration to engage in the practice of land surveying in another state, territory, or possession of the United States, the District of Columbia, or any foreign country may be issued a license in this state if the person applies in the manner required by the board, meets the qualifications provided in 37-67-325, and has passed the principles and practices of surveying examination and the Montana state-specific land surveyor examination. The experience requirements of 37-67-325 may be met with experience gained after initial licensure that indicates to the board that the applicant is competent to practice land surveying. An applicant whose initial licensure in another state does not meet the experience requirements of 37-67-325 must be required to demonstrate 2 years of postlicensure experience for each year of prelicensure deficiency.

History: En. 66-2357 by Sec. 5, Ch. 366, L. 1975; R.C.M. 1947, 66-2357(2)(a)(iii); amd. Sec. 12, Ch. 553, L. 1985; amd. Sec. 10, Ch. 108, L. 1995; amd. Sec. 22, Ch. 100, L. 2011; amd. Sec. 11, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 deleted former (1) that read: "(1) A person holding a certificate of registration to engage in the practice of land surveying issued by a proper authority of a state, territory, or possession of the United States or the District of Columbia, based on requirements that do not conflict with the provisions of this chapter and that were of a standard not lower than that specified in the applicable registration act in effect in this state at the time the certificate was issued, will be given comity consideration. However, the person may be asked to meet the conditions for taking examinations and to take them as the board considers necessary to determine the person's qualifications. In any event, the person shall pass a written examination that includes questions on laws, procedures, and practices pertaining to the practice of land surveying in this state"; in first sentence inserted "or certificate of registration" and substituted "provided in 37-67-325, and has passed the principles and practices of surveying examination and the Montana state-specific land surveyor examination" for "provided in 37-67-309, has taken and passed the examinations provided for in 37-67-309 and 37-67-311, and has taken and passed a written examination that includes questions on laws, procedures, and practices pertaining to the practice of land surveying in this state"; in second sentence substituted "37-67-325" for "37-67-309"; inserted last sentence concerning initial licensure in another state; and made minor changes in style. Amendment effective February 12, 2015.

2011 Amendment: Chapter 100 inserted (2) regarding licensing of person licensed in another state or country; and made minor changes in style. Amendment effective October 1, 2011.

1995 Amendment: Chapter 108 near end, after "written examination", deleted "of not less than 8 hours' duration"; and made minor changes in style.

Purported Repeal — Coordination: Section 128, Ch. 429, L. 1995, repealed this section, but sec. 130, Ch. 429, L. 1995, a coordination section, voided the repeal.

1985 Amendment: In first sentence substituted language (see 1985 Session Law) for former text that read: "A person holding a certificate of registration or comparable qualifications to engage in the practice of land surveying issued from a state, territory, or possession of the United States will be given comity consideration"; and near beginning of second sentence, after "asked to", inserted "meet the conditions for taking and".

Cross-References

Recognition of out-of-state licenses during disaster or emergency, 10-3-204.

Administrative Rules

ARM 24.183.801 Comity consideration for professional land surveyors.

37-67-314. Issuance of licenses — seal of professional engineer or professional land surveyor.

(1) The department shall issue to an applicant who, in the opinion of the board, has met the requirements of this chapter a license authorizing the applicant to engage in the practice of engineering or the practice of land surveying and to assume responsible charge of engineering or land surveying projects in this state. The license for a professional engineer must carry the designation "professional engineer" and for a professional land surveyor "professional land surveyor" and must include the full name and license number of the licensee.

(2) Each licensee may, upon licensure, obtain a seal of a design authorized by the board. The licensee shall sign, date, and seal professional or technical documents created in the practice of professional engineering or professional land surveying.

(3) A license is prima facie evidence that the named person is entitled to all rights, privileges, and responsibilities of a professional engineer or professional land surveyor while the license remains valid.

(4) It is unlawful for a licensee whose license has expired to sign or seal any professional or technical document or be in responsible charge of a professional engineering or professional land surveying project.

History: En. 66-2360 by Sec. 8, Ch. 366, L. 1975; R.C.M. 1947, 66-2360; amd. Sec. 13, Ch. 553, L. 1985; amd. Sec. 11, Ch. 108, L. 1995; amd. Sec. 64, Ch. 492, L. 2001; amd. Sec. 12, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 in (1) in first sentence substituted "authorizing the applicant" for "giving the licensee proper authority" and in second sentence substituted "and must include the full name and license number of the licensee" for "It must give the full name and serial number of the licensee and must be signed by the presiding officer and the secretary under the seal of the board"; deleted former (2) through (4) that read: "(2) A license is prima facie evidence that the named person is entitled to all rights, privileges, and responsibilities of a professional engineer or professional land surveyor while the license remains unrevoked or unexpired.

(3) Each licensee may, upon licensure, obtain a seal of a design authorized by the board, bearing the licensee's name, serial number, and the legend "professional engineer" or "professional land surveyor". Plans, specifications, plats, drawings, reports, design information, and calculations prepared by a licensee must be signed with a written signature, dated, and stamped with the seal or a seal facsimile when issued. After the expiration of a license, it is unlawful for the licensee whose license has lapsed to affix or permit the seal and signature or seal facsimile to be affixed to any:

(a) plans, specifications, plats, drawings, reports, design information, or calculations; or

(b) projects for which the licensee was not in responsible charge.

(4) The department shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter an enrollment card as an engineer intern or land surveyor intern. The enrollment card must indicate that the applicant's name and status has been recorded with the board. The enrollment card does not authorize the holder to practice as a professional engineer or professional land surveyor"; inserted (2), (3), and (4) concerning a seal, prima facie evidence, and unlawful actions; and made minor changes in style. Amendment effective February 12, 2015.

2001 Amendment: Chapter 492 throughout section substituted reference to license for reference to certificate of registration or certificate and substituted reference to licensee for reference to registrant; in (3) in first sentence substituted "licensure" for "registration" and at beginning of third sentence inserted "After the expiration of a license" and after "unlawful for" substituted "the licensee whose license has lapsed" for "a registrant"; in (3)(b) substituted "projects for which the licensee" for "after the expiration of a certificate or for projects for which the registrant"; and made minor changes in style. Amendment effective October 1, 2001.

1995 Amendment: Chapter 108 in (1), in first sentence, substituted "authority to engage in the practice of engineering or the practice of land surveying" for "authority to practice his profession"; in (4), in first sentence, substituted "engineer intern" for "engineer-in-training" and substituted "land surveyor intern" for "land surveyor-in-training", in second sentence, after "name", inserted "and status", and in third sentence, before "enrollment card", deleted "engineer-in-training or land surveyor-in-training"; and made minor changes in style.

1985 Amendment: In (3) after "the legend "professional engineer"", substituted language of remainder of subsection (see 1985 Session Law) for former text that read: "and/or "land surveyor". Plans, specifications, plats, and reports prepared by a registrant shall when issued be certified, signed, and

stamped with the seal or facsimile thereof. It shall be unlawful for a registrant to affix or permit his seal and signature or facsimile thereof to be affixed to any plans, specifications, plats, or reports after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of this chapter"; and throughout section, before "land surveyor", inserted "professional".

Cross-References

Seal defined, 1-4-201.

Manner of making seal, 1-4-202.

Administrative Rules

ARM 24.183.511 License seal.

ARM 24.183.1104 Uniform standards for certificates of survey.

ARM 24.183.1107 Uniform standards for final subdivision plats.

Attorney General's Opinions

Seal Not Required for Private Buildings: "Public" in 18-2-122 refers only to the buildings of the state and its political subdivisions. Therefore, plans and specifications for construction of privately owned buildings need not bear seals of specified professional persons. 36 A.G. Op. 52 (1976).

37-67-315. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 17, Ch. 150, L. 1957; Sec. 66-2340, R.C.M. 1947; amd. Sec. 7, Ch. 282, L. 1969; amd. Sec. 222, Ch. 350, L. 1974; amd. Sec. 8, Ch. 215, L. 1975; redes. 66-2361 by Sec. 9, Ch. 366, L. 1975; R.C.M. 1947, 66-2361; amd. Sec. 6, Ch. 408, L. 1979; amd. Sec. 67, Ch. 345, L. 1981; amd. Sec. 3, Ch. 489, L. 1981; amd. Sec. 8, Ch. 390, L. 1983; amd. Sec. 14, Ch. 553, L. 1985; amd. Sec. 2, Ch. 107, L. 1995; amd. Sec. 65, Ch. 492, L. 2001; amd. Sec. 56, Ch. 271, L. 2003.

37-67-316. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. 66-2365 by Sec. 13, Ch. 366, L. 1975; R.C.M. 1947, 66-2365(part); amd. Sec. 66, Ch. 492, L. 2001.

37-67-317. Deposit of moneys collected. The department shall collect all moneys under this chapter and shall deposit these moneys in the state special revenue fund for the use of the board, subject to 37-1-101(6).

History: En. Sec. 10, Ch. 150, L. 1957; Sec. 66-2333, R.C.M. 1947; amd. Sec. 123, Ch. 147, L. 1963; amd. Sec. 28, Ch. 177, L. 1965; amd. Sec. 216, Ch. 350, L. 1974; redes. 66-2354 by Sec. 3, Ch. 366, L. 1975; R.C.M. 1947, 66-2354; amd. Sec. 1, Ch. 277, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to state special revenue fund for reference to earmarked revenue fund.

37-67-318. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 12, Ch. 150, L. 1957; Sec. 66-2335, R.C.M. 1947; amd. Sec. 218, Ch. 350, L. 1974; amd. and redes. 66-2356 by Sec. 4, Ch. 366, L. 1975; amd. Sec. 2, Ch. 317, L. 1977; R.C.M. 1947, 66-2356; amd. Sec. 7, Ch. 408, L. 1979; amd. Sec. 15, Ch. 553, L. 1985; amd. Sec. 67, Ch. 492, L. 2001.

37-67-319. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. 66-2368 by Sec. 16, Ch. 366, L. 1975; R.C.M. 1947, 66-2368; amd. Sec. 26, Ch. 22, L. 1979; amd. Sec. 16, Ch. 553, L. 1985.

37-67-320. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. Sec. 5, Ch. 553, L. 1985; amd. Sec. 12, Ch. 108, L. 1995; amd. Sec. 122, Ch. 429, L. 1995; amd. Sec. 68, Ch. 492, L. 2001.

37-67-321. Repealed. Sec. 16, Ch. 4, L. 2015.

History: En. Sec. 19, Ch. 553, L. 1985; amd. Sec. 69, Ch. 492, L. 2001; amd. Sec. 109, Ch. 467, L. 2005.

37-67-322. Application — contents — fees. An application must include a completed form that must be accompanied by a nonrefundable application fee prescribed by the board and all other required supplemental documents and information. The form must be approved by the department.

History: En. Sec. 4, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-323. Qualifications of applicant for examination and licensure as professional engineer.

(1) An applicant who meets any of the following sets of requirements must be admitted to the principles and practices of engineering examination:

(a) a baccalaureate degree in engineering or engineering technology in a board-approved curriculum, passage of the fundamentals of engineering examination, certification as an engineer intern, a specific record of at least 4 years of progressive experience under the supervision of a licensed professional engineer, and references as required by the board;

(b) a master's degree in engineering or engineering technology in a board-approved curriculum, passage of the fundamentals of engineering examination, certification as an engineer intern, a specific record of at least 4 years of progressive experience under the supervision of a licensed professional engineer, and references as required by the board;

(c) a baccalaureate degree in an engineering, engineering technology, or other science curriculum, passage of the fundamentals of engineering examination, certification as an engineer intern, a specific record of at least 20 years of experience on engineering projects that indicate to the board that the applicant is competent to practice engineering, with at least 10 years of that experience under the supervision of a licensed professional engineer, and references as required by the board;

(d) a doctoral degree in engineering from an institution with an engineering program approved by the board, passage of the fundamentals of engineering examination, certification as an engineer intern, a specific record of at least 2 years of progressive experience on engineering projects of a grade and character that indicate to the board that the applicant is competent to practice engineering, and references as required by the board; or

(e) a doctoral degree in engineering from an institution with an engineering program approved by the board, a specific record of at least 4 years of progressive experience on engineering projects that indicate to the board that the applicant is competent to practice engineering, and references as required by the board.

(2) Upon passage of the principles and practices of engineering examination, an applicant must be granted a license to practice engineering in this state.

History: En. Sec. 5, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-324. Qualifications of applicant for certification as engineer intern. (1) An applicant who meets any of the following sets of requirements must be granted a certificate as an engineer intern:

(a) a baccalaureate or master's degree in engineering or engineering technology in a curriculum approved by the board, passage of the fundamentals of engineering examination, and references as required by the board; or

(b) a baccalaureate degree in a science curriculum other than a board-approved engineering or engineering technology curriculum, passage of the fundamentals of engineering examination, a specific record of at least 4 years of progressive experience under the supervision of a licensed professional engineer, and references as required by the board. An applicant approved for certification pursuant to this subsection is eligible for licensure as a professional engineer only under 37-67-323(1)(c).

(2) Certification as an engineer intern does not authorize the holder to practice as a professional engineer.

History: En. Sec. 6, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-325. Qualifications of applicant for examination and licensure as professional land surveyor. (1) An applicant who meets any of the following sets of requirements must be admitted to the principles and practices of surveying examination and the Montana state-specific land surveyor examination:

(a) a baccalaureate degree in land surveying that meets the board-approved land surveying curriculum, passage of the fundamentals of surveying examination, at least 4 years of combined office and field experience in land surveying under the direct supervision of a licensed professional land surveyor of which at least 3 years must be progressive experience on land surveying projects, and references and exhibits of land surveying projects as required by the board;

(b) an associate degree in land surveying that meets the board-approved land surveying curriculum, passage of the fundamentals of surveying examination, at least 6 years of combined office and field experience in land surveying under the direct supervision of a licensed professional land surveyor of which at least 4 1/2 years must be progressive experience on land surveying projects, and references and exhibits of land surveying projects as required by the board;

(c) a baccalaureate degree with a minor in land surveying that meets the board-approved land surveying curriculum, passage of the fundamentals of surveying examination, at least 6 years of combined office and field experience in land surveying under the direct supervision of a licensed professional land surveyor of which at least 4 1/2 years must be progressive experience on land surveying projects, and references and exhibits of land surveying projects as required by the board; or

(d) before October 1, 2022, passage of the fundamentals of surveying examination, at least 10 years of combined office and field experience in land surveying under the direct supervision of a licensed professional land surveyor of which at least 6 years must be progressive experience on land surveying projects, and references and exhibits of land surveying projects as required by the board.

(2) Upon passage of both examinations, the applicant must be granted a license to practice land surveying in this state.

History: En. Sec. 7, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-326. Qualifications of applicant for examination and certification as land surveyor intern. (1) An applicant who meets any of the following sets of requirements must be admitted to the fundamentals of surveying examination:

(a) a baccalaureate degree in land surveying that meets the board-approved land surveying curriculum, passage of the fundamentals of surveying examination, and references as required by the board;

(b) an associate degree in land surveying that meets the board-approved land surveying curriculum, passage of the fundamentals of surveying examination, and references as required by the board;

(c) a baccalaureate degree with a minor in land surveying that meets the board-approved land surveying curriculum, passage of the fundamentals of surveying examination, and references as required by the board; or

(d) before October 1, 2022, passage of the fundamentals of surveying examination, at least 6 years of combined office and field experience in land surveying under the direct supervision of a licensed professional land surveyor of which at least 4 1/2 years must be progressive experience in charge of land surveying projects, and references and exhibits as required by the board.

(2) Upon passage of the fundamentals of surveying examination, an applicant must be granted a certificate as a Montana land surveyor intern.

(3) Certification as a land surveyor intern does not authorize the holder to practice as a professional land surveyor.

History: En. Sec. 8, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-327. Examinations — fees — third-party services. (1) Examinations will be at times and places established by the board or by a third-party examination services provider. The board recognizes the following examinations for licensure or certification:

- (a) the fundamentals of engineering examination;
- (b) the principles and practices of engineering examination;
- (c) the fundamentals of surveying examination;
- (d) the principles and practices of surveying examination; and
- (e) the Montana state-specific land surveyor examination.

(2) The fees for examinations must be set by the board or by a third party contracted by the board to provide examination services. The board may charge a fee for reexamination, a rescheduling of an examination, or an additional examination not required for licensure or certification.

(3) The board may use a third party to provide examination and grading services.

(4) The board reserves the right to require applicants to meet all requirements for licensure or certification prior to being admitted to an exam but may waive this requirement as part of an agreement with a third-party examination services provider.

(5) All examination fees are nonrefundable.

History: En. Sec. 9, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-328. Certificate of authorization. (1) A business entity registered with the Montana secretary of state:

(a) shall obtain a certificate of authorization from the board before engaging in the practice of professional engineering or professional land surveying; and

(b) may engage in the practice of professional engineering or professional land surveying in this state if at least one employee of the business entity is licensed by the board and identified as being in responsible charge of professional engineering or professional land surveying work performed in this state.

(2) A business entity with one or more branch offices or business locations in Montana shall apply for a certificate of authorization for the main office and list each branch office or business location and at least one employee of the business entity who is licensed by the board and identified as being in responsible charge of professional engineering or professional land surveying work performed in this state.

(3) A sole proprietor who is not required to register with the Montana secretary of state is not required to apply for a certificate of authorization.

History: En. Sec. 13, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-329. Emeritus status. On October 1, 2015, any licensee previously approved for emeritus status under this chapter becomes an inactive licensee subject to rules of the board regarding inactive licensee status.

History: En. Sec. 14, Ch. 4, L. 2015.

Compiler's Comments

Effective Date: Section 18, Ch. 4, L. 2015, provided that this section is effective on passage and approval. Approved February 12, 2015.

37-67-330 reserved.

37-67-331. Revocation, suspension, restriction, or limitation of license — grounds. The board may reprimand a licensee or revoke, suspend, or restrict or limit the license of a licensee found responsible for:

(1) gross negligence, incompetency, or misconduct in the practice of professional engineering or professional land surveying;

(2) a violation of rules for professional conduct for professional engineers and professional land surveyors adopted by the board; or

(3) failing to comply with state laws and rules pertaining to the practice of professional engineering or professional land surveying.

History: En. 66-2365 by Sec. 13, Ch. 366, L. 1975; R.C.M. 1947, 66-2365(part); amd. Sec. 8, Ch. 408, L. 1979; amd. Sec. 17, Ch. 553, L. 1985; amd. Sec. 13, Ch. 108, L. 1995; amd. Sec. 70, Ch. 492, L. 2001; amd. Sec. 15, Ch. 4, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 4 in first sentence substituted "restrict or limit" for "refuse to renew" and after "responsible for" deleted former (1)(a) that read: "(a) fraud or deceit in obtaining a license"; in (1) inserted "professional" in two places and after "land surveying" deleted "as a licensed professional engineer or professional land surveyor"; deleted former (1)(c) that read: "(c) a felony"; in (3) substituted "state laws and rules pertaining to the practice of professional engineering or professional land surveying" for "with the Corner Recordation Act if the person is a professional land surveyor"; deleted former (2) through (5) that read: "(2) Any person may make charges of fraud, deceit, gross negligence, incompetency, or misconduct against a licensee. The charges must be made by affidavit, subscribed and sworn to by the person making them, and filed with the department. The charges must be investigated by the board. For purposes of investigation under this section, the board may require that a licensee meet with the board.

(3) The board may require a licensee to take a written or oral examination, or both, in a proceeding to reprimand the licensee or to revoke, suspend, or refuse to renew the license.

(4) If, after a hearing, five or more members of the board vote in favor of sustaining the charges, the board shall reprimand the licensee or suspend, refuse to renew, or revoke the license of the licensed professional engineer or professional land surveyor.

(5) The board, for reasons it considers sufficient, may reissue a license to a person whose license has been revoked if five or more members of the board vote in favor of the reissuance"; and made minor changes in style. Amendment effective February 12, 2015.

2001 Amendment: Chapter 492 throughout section substituted reference to license for reference to certificate or certificate of registration, reference to licensee for reference to registrant, and reference to licensed for reference to registered; in (1) near beginning after "may reprimand" inserted "a licensee"; in (3) and (4) near middle after "reprimand" inserted reference to licensee; and made minor changes in style. Amendment effective October 1, 2001.

1995 Amendment: Chapter 108 in (1) substituted "responsible for" for "guilty of"; at end of third sentence in (2), after "board", deleted "and, unless the board dismisses the charges after investigation as unfounded or trivial, it shall act on the charges within 6 months after the date on which the charges were made. The board is considered to have acted on the charges if it has given notice by mail to the licensee of its intent to revoke, suspend, or refuse to renew his license and the notice contains the facts or conduct which warrant the intended action"; at end of (3) inserted "the certificate of registration"; and made minor changes in style.

Purported Repeal — Coordination: Section 128, Ch. 429, L. 1995, repealed this section, but sec. 130, Ch. 429, L. 1995, a coordination section, voided the repeal.

1985 Amendment: Inserted last sentence of (2) allowing Board to require registrant to meet with it for investigation purposes; and in four places throughout section, before "land surveyor(s)", inserted "professional".

Cross-References

Oaths, Title 1, ch. 6.
Affidavits, Title 26, ch. 1, part 10.
Unfair trade practices and consumer protection, Title 30, ch. 14.
Reporting disciplinary actions against licensees, 37-1-105.
Perjury, 45-7-201.
Corner Recordation Act of Montana, Title 70, ch. 22, part 1.

37-67-332. Violations — penalties — enforcement. (1) (a) A person commits a criminal offense if the person knowingly:

(i) practices or offers to practice engineering or land surveying in this state without being licensed under this chapter;

(ii) presents or attempts to use the license or the seal of another person;

(iii) gives false or forged evidence to the board or department in obtaining a license;

(iv) impersonates another licensee;

(v) attempts to use an expired, revoked, or emeritus license; or

(vi) violates a provision of this chapter.

(b) A person convicted under subsection (1)(a) shall be fined an amount of not less than \$100 or more than \$500 or be incarcerated in the county jail for a period not exceeding 3 months, or both.

(2) All officers of the law of this state or one of its political subdivisions shall enforce this chapter and prosecute persons violating it. The attorney general shall act as legal adviser of the board and render legal assistance necessary in carrying out this chapter.

(3) The board may apply to the appropriate court for an injunction against a person found by the board to have practiced or attempted or offered to practice engineering or land surveying in this state without a valid license.

(4) If a person violates an injunction against practice without a valid license, the court may impose a fine in an amount not to exceed \$25,000.

History: En. Sec. 23, Ch. 150, L. 1957; Sec. 66-2346, R.C.M. 1947; amd. Sec. 225, Ch. 350, L. 1974; redes. 66-2366 by Sec. 14, Ch. 366, L. 1975; R.C.M. 1947, 66-2366; amd. Sec. 18, Ch. 553, L. 1985; amd. Sec. 3, Ch. 107, L. 1995; amd. Sec. 71, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 throughout section substituted reference to license for reference to certificate of registration; in (1)(a)(i) substituted "licensed" for "registered"; in (1)(a)(iv) substituted "licensee" for "registrant"; and made minor changes in style. Amendment effective October 1, 2001.

1995 Amendment: Chapter 107 in (1)(a), after "person", deleted "who" and inserted "commits a criminal offense if the person knowingly"; in (1)(a)(vi), before "this chapter", inserted "a provision of" and after "this chapter" deleted "is guilty of a misdemeanor"; at beginning of (1)(b) inserted "A person convicted under subsection (1)(a)" and after "\$500 or" substituted "be incarcerated in the county jail" for "imprisoned"; inserted (3) providing for an injunction; inserted (4) providing for a fine if a person violates an injunction; and made minor changes in style.

1985 Amendment: In (1) before third "certificate of registration", inserted "or emeritus".

Cross-References

Prosecutorial duties of County Attorney, 7-4-2712.

Duties of County Attorney relating to state matters, 7-4-2716.

Forgery, 45-6-325.

Administrative Rules

Title 24, chapter 183, subchapter 22, ARM Unprofessional conduct.