

58-22-103 Education and enforcement fund.

- (1) There is created an expendable special revenue fund known as the "Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor Education and Enforcement Fund."
- (2) The fund consists of money from:
 - (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this chapter in accordance with the following:
 - (i) the surcharge fee shall be established by the department in accordance with Section 63J-1-504; and
 - (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or reinstatement licensure fee; and
 - (b) administrative penalties collected pursuant to this chapter.
- (3) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
- (4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
 - (a) education and training of licensees under this chapter;
 - (b) education and training of the public or other interested persons in matters concerning engineering, structural engineering, and land surveying laws and practices; and
 - (c) enforcement of this chapter by:
 - (i) investigating unprofessional or unlawful conduct; and
 - (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
- (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.
- (6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 400, 2013 General Session