

1                                   **PROFESSIONAL ENGINEER AND LAND**  
2                                   **SURVEYORS LICENSING ACT AMENDMENTS**

3                                   2001 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Bradley T. Johnson**

6   **This act modifies the Professional Engineers and Professional Land Surveyors Licensing Act**  
7   **by adding an exemption from licensure for employees of soil conservation districts.**

8   This act affects sections of Utah Code Annotated 1953 as follows:

9   AMENDS:

10           **58-22-305**, as repealed and reenacted by Chapter 259, Laws of Utah 1996

11   *Be it enacted by the Legislature of the state of Utah:*

12           Section 1. Section **58-22-305** is amended to read:

13           **58-22-305. Exemption from licensure.**

14           (1) In addition to the exemptions from licensure in Section 58-1-307, the following may  
15   engage in the stated limited acts or practices without being licensed under this chapter:

16           (a) a person offering to render professional engineering, professional structural  
17   engineering, or professional land surveying services in this state when not licensed under this  
18   chapter if the person:

19           (i) holds a current and valid professional engineer, professional structural engineer, or  
20   professional land surveyor license issued by a licensing authority recognized by rule by the  
21   division in collaboration with the board;

22           (ii) discloses in writing to the potential client the fact that the professional engineer,  
23   professional structural engineer, or professional land surveyor:

24           (A) is not licensed in the state;

25           (B) may not provide professional engineering, professional structural engineering, or  
26   professional land surveying services in the state until licensed in the state; and

27           (C) that such condition may cause a delay in the ability of the professional engineer,

28 professional structural engineer, or professional land surveyor to provide licensed services in the  
29 state;

30 (iii) notifies the division in writing of his intent to offer to render professional engineering,  
31 professional structural engineering, or professional land surveying services in the state; and

32 (iv) does not provide professional engineering, professional structural engineering, or  
33 professional land surveying services, or engage in the practice of professional engineering,  
34 professional structural engineering, or professional land surveying in this state until licensed to do  
35 so;

36 (b) a person preparing a plan and specification for a one-, two-, three-, or four-family  
37 residence not exceeding two stories in height, exclusive of basement;

38 (c) a person licensed to practice architecture under Title 58, Chapter 3a, [~~Architecture~~]  
39 Architects Licensing Act, performing architecture acts or incidental engineering or structural  
40 engineering practices that do not exceed the scope of the education and training of the person  
41 performing engineering or structural engineering;

42 (d) unlicensed employees, subordinates, associates, or drafters of a person licensed under  
43 this chapter while preparing plans, maps, sketches, drawings, documents, specifications, plats, and  
44 reports under the supervision of a professional engineer, professional structural engineer, or  
45 professional land surveyor;

46 (e) a person preparing a plan or specification for, or supervising the alteration of or repair  
47 to, an existing building affecting an area not exceeding 3,000 square feet when structural elements  
48 of a building are not changed, such as foundations, beams, columns, and structural slabs, joists,  
49 bearing walls, and trusses;

50 (f) an employee of a communications, utility, railroad, mining, petroleum, or  
51 manufacturing company, or an affiliate of such a company, if the professional engineering or  
52 professional structural engineering work is performed solely in connection with the products or  
53 systems of the company and is not offered directly to the public; [~~and~~]

54 (g) an organization engaged in the practice of professional engineering, structural  
55 engineering, or professional land surveying, provided that:

56 (i) the organization employs a principal; and

57 (ii) all individuals employed by the organization, who are engaged in the practice of  
58 professional engineering, structural engineering, or land surveying, are licensed or exempt from

59 licensure under this chapter[-]; and  
60 (h) an employee of a soil conservation district or the Utah Association of Conservation  
61 Districts, if the engineering or surveying work is performed solely in connection with the services  
62 of the district or association and the employee has the job approval authority of a licensed engineer  
63 of the USDA Natural Resources Conservation Service.

64 (2) Nothing in this section shall be construed to restrict a draftsman from preparing plans  
65 for a client under the exemption provided in Subsection (1)(b) or taking those plans to a  
66 professional engineer for his review, approval, and subsequent fixing of the engineer's seal to that  
67 set of plans if they meet the building code standards.

---

---

**Legislative Review Note**  
**as of 1-17-01 12:03 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**