

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES
CHAPTER 12
ENGINEERS AND SURVEYORS

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

(1) "Authoritative" means certified by a professional land surveyor in accordance with established principles of professional land surveying when used to describe products, processes, applications, or data resulting from the practice of professional land surveying.

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

(3) ~~(2)~~ "Board" means the Idaho board of licensure of professional engineers and professional land surveyors, hereinafter provided by this chapter.

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

(5) ~~(4)~~ "Consulting engineer" means a professional engineer whose principal 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.

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

(7) ~~(6)~~ "Engineer intern" means a person who has qualified for, taken and passed an examination in the fundamentals of engineering subjects as provided 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 ownerships;
- (b) Retrace or establish land boundaries;
- (c) Retrace or establish boundary lines of public roads, streets, alleys 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 provided in this chapter.

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

(10) "Professional engineering" and "practice of professional engineering" mean any service or creative work offered to or performed for the public for any project physically located in this state, such as consultation, investigation, evaluation, planning, designing, teaching upper division engineering design subjects, and responsible charge of observation of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects or to certify elevation information, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service requires the application of engineering principles and data. A person shall be construed to practice or offer to practice professional engineering within the meaning and intent of this chapter who practices or offers to practice any of the branches of the profession of engineering for the public for any project physically located in this state or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way

represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is licensed under this chapter, or holds himself out as able to perform or who does perform for the public for any project physically located in this state, any engineering service or work or any other service designated by the practitioner which is the practice of professional engineering.

(11) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of land surveying ~~to determine the correct boundary description, to establish or reestablish land boundaries, to plat lands and subdivisions thereof, or to certify elevation information.~~ services using such sciences as mathematics, geodesy, photogrammetry and involving both (1) the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, the space above, on or below the earth and (2) providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects; or to provide acts of consultation, investigation, testimony, planning, mapping, assembling, and interpreting, gathering measurements and information related to any one or more of the following:

a. Determining by measurement the configuration or contour of the earth's surface or the position of any fixed objects thereon;

b. Determining by performing geodetic surveys the size and shape of the earth or the position on any point on the earth;

c. Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right of way, easement, or real property lease;

d. Making any survey for the division or subdivision, or consolidation of any tract(s) of land;

e. Locating or laying out of alignments, positions, or elevations in the field for the construction of fixed works;

f. Determining, by the use of principles of surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point;

g. Certifying elevation information;

h. Preparing narrative land descriptions.

i. Creating, preparing, or modifying electronic or computerized or other data, necessary for the performance of the activities in items a-i above.

Exempted from this section are: (i) mapping or geographic information system work that is for non-authoritative boundaries and non-authoritative elevations; (ii) construction survey work that is unrelated to establishing vertical and horizontal project control; and (iii) construction staking of fixed works or the development and use of electronic models for machine controlled construction, that by design are unrelated to boundaries described in subsection 11(c). Any person shall be construed to practice or offer to practice professional land surveying who engages in professional land surveying, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional land surveyor, or who represents himself as able to perform or who does perform any professional land surveying service or work or any other service designated by the practitioner which is professional land surveying.

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

(13) "Public" means any person, firm, corporation, partnership, company, government agency, institution or any other entity recognized by law.

(14) "Responsible charge" means the control and direction of engineering work, or the control and direction of land surveying work, requiring initiative, professional skill, independent judgment and professional knowledge of the content of relevant documents during their preparation. Except as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and correcting, documents after they have been prepared by others does not constitute the exercise of responsible charge.

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

(16) "Signature" means either: an original handwritten message identification containing the name of the person who applied it; or a digital signature which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be unique to the person using it; must be capable of verification; must be under the sole control of the person using it; and must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

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

History:

[54-1202, added 1939, ch. 231, sec. 2, p. 516; am. 1957, ch. 234, sec. 2, p. 547; am. 1961, ch. 258, sec. 1, p. 422; am. 1978, ch. 170, sec. 1, p. 372; am. 1986, ch. 140, sec. 2, p. 377; am. 1996, ch. 357, sec. 2, p. 1187; am. 2000, ch. 289, sec. 1, p. 991; am. 2001, ch. 247, sec. 2, p. 890; am. 2002, ch. 6, sec. 1, p. 6; am. 2007, ch. 219, sec. 1, p. 655; am. 2008, ch. 378, sec. 3, p. 1024; am. 2011, ch. 136, sec. 10, p. 389; am. 2013, ch. 339, sec. 1, p. 886.]

54-1227. Surveys – Authority and Duties of Professional Land Surveyors and Professional Engineers. Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of each licensed professional land surveyor, whenever making any **such boundary** land survey **pursuant to section 54-1202, Idaho Code,** that is not preliminary in nature, to set permanent and reliable magnetically detectable monuments at all unmonumented corners field located, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod unless special circumstances preclude use of such monument; and such monuments must be permanently marked with the license number of the professional land surveyor responsible for placing the monument. Professional engineers qualified and duly licensed pursuant to this chapter may also perform those nonboundary surveys necessary and incidental to the work customarily performed by them. [(54-1227) 1903, p. 81, sec. 7; reen. R.C. & C.L., sec. 1408; C.S., sec. 2240; am. 1921, ch. 158, sec. 1, p. 351; I.C.A., sec. 53-2306; am. 1957, ch. 234, sec. 17, p. 547; am. 1978, ch. 170, sec. 20, p. 388; am. 1986, ch. 140, sec. 22, p. 395; am. 1992, ch. 61, sec. 2, p. 194; am. 1996, ch. 357, sec. 19, p. 1202; am. 2008, ch. 378, sec. 22, p. 1043; am. 2011, ch. 136, sec. 11, p. 391.]