

R&D

SIXTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 1989

C.B. NO. 6-15

A BILL FOR AN ACT

To establish a Board of Registration for Professional Engineers, Architects and Land Surveyors, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Subchapter I

2 GENERAL PROVISIONS

3 Section 101. Short title. This act may be cited as the
4 "Professional Engineers, Architects and Land Surveyors Act of 1989."

5 Section 102. Purpose. In order to safeguard life, health
6 and property, and to promote the public welfare, the practice of
7 engineering, architecture and land surveying in this Nation is hereby
8 declared to be subject to regulation in the public interest. It
9 shall be unlawful for any person to practice or to offer to practice,
10 engineering, architecture or land surveying in this Nation as defined
11 in the provisions of this act or use in connection with his name or
12 otherwise assume or advertise any title or description tending to
13 convey the impression that he is an engineer, an architect or a land
14 surveyor, unless such person has been duly registered or exempted
15 under the provisions of this act. The practice of engineering,
16 architecture and land surveying shall be deemed a privilege granted
17 by the Nation through the Board of Registration for Professional
18 Engineers, Architects and Land Surveyors, based on the qualifications
19 of the individual as evidenced by his certificate of registration,
20 which shall not be transferable.

21 Section 103. Definitions.

22 (1) "Architect" means a person who holds himself out
23 as able to perform, or who does perform, any professional services
24 such as consultation, investigation, evaluation, planning, design,
25 including aesthetic and structural design, or responsible supervision

1 of construction, in connection with any private or public buildings,
2 structures, or projects or the equipment or utilities thereof, or the
3 accessories thereto, wherein the safeguarding of life, health or
4 property is concerned or involved, when such professional service
5 requires the application of the art and science of construction based
6 upon the principles of mathematics, aesthetics and the physical
7 sciences;

8 (2) "Board" means the Board of Registration for
9 Professional Engineers, Architects and Land Surveyors, hereinafter
10 provided by this act;

11 (3) "Consultation" means meetings, discussions,
12 written or verbal messages, reports, etc., involving scientific,
13 aesthetic or technical information, facts or advice for purposes of
14 planning, designing, deciding or locating construction or alteration
15 of structures, buildings, works, machines, processes, land areas or
16 projects;

17 (4) "Design" means any sketch, plan, drawing,
18 outline, statement, scheme, model, contrivance, or procedure which
19 conveys the plan, location, arrangement, intent, purpose, appearance
20 and nature of construction or alteration of existing or proposed
21 buildings, structures, works, machines, processes, land areas or
22 projects;

23 (5) "Directly in charge of professional work" means
24 personal preparation or direct supervision of the preparation and
25 personal review of all instruments of professional service;

1 (6) "Evaluation" means careful search, examination or
2 inquiry to reveal, determine or estimate the value, worth, merit,
3 effect, efficiency or practicability of planning, design location,
4 construction or alteration of existing or proposed structures,
5 buildings, works, processes, land areas or projects;

6 (7) "Investigation" means careful search,
7 examination, inquiry or study to reveal or determine scientific,
8 aesthetic or technical information or facts for the planning, design,
9 location, construction or alteration of existing or proposed
10 structures, buildings, works, machines, processes, land areas or
11 projects;

12 (8) "Land surveyor" means a person who holds himself
13 out as able to make, or who does make cadastral surveys of areas for
14 their correct determination and description, either for conveyancing
15 or for the establishment or re-establishment of land boundaries or
16 the plotting of lands and subdivisions thereof;

17 (9) "NCARB" means United States National Council
18 of Architectural Registration Boards;

19 (10) "NCEE" means United States National Council
20 of Engineering Examiners. This engineering council has a standing
21 committee on land surveying;

22 (11) "Planning" means careful search, examination,
23 inquiry, study and the formulation or execution of a statement,
24 outline, draft, map, drawing, diagram or picture showing
25 arrangement, scheme, schedule, program or procedure for locating,

1 building or altering existing or proposed buildings, structures,
2 works, machines, processes, land areas or projects;

3 (12) "Professional engineer" means a person who
4 holds himself out as able to perform or who does perform, any
5 professional service such as consultation, investigation, evaluation,
6 planning, design or responsible supervision of construction or
7 operation, in connection with any public or private utilities,
8 structures, buildings, machines, equipment, processes, works or
9 projects, wherein the safeguarding of life, health or property is
10 concerned or involved when such professional service requires the
11 application of engineering principles and data;

12 (13) "Specifications" means the specifying of material,
13 equipment, projects or methods to be used in the construction or
14 alteration of buildings, structures, works, machines, processes, land
15 areas or projects;

16 (14) "Supervision of construction" means making visits to
17 the site by a registered engineer or architect, as the case may
18 require, to observe the progress and quality of the executive work
19 and to determine, in general, if the work is proceeding substantially
20 in accordance with the contract documents. It is not required that
21 they make exhaustive or continuous on-site inspections to check the
22 quality or quantity of work nor is it intended that the engineer or
23 architect be responsible for construction means, methods, techniques,
24 sequences or procedures or for safety precautions and programs in
25 connection with the work;

1 (15) "Supervision of design" means that a registered engineer
2 or architect, as the case may be, shall exercise direct control
3 and oversee the subject activity and be responsible for all work
4 performed on plans, specifications and other related documents; and

5 (16) "Rules of Professional Conduct for Professional
6 Engineers, Architects and Land Surveyors" means those rules
7 promulgated by the Board as authorized by law.

8 Subchapter II

9 BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

Section 104. Appointment; Terms. A National Board of Registration for Professional Engineers, Architects and Land Surveyors is hereby created whose duty shall be to administer the provisions of this act. The Board shall consist of five members to be constituted as follows: the Secretary of the Department of Resources and Development and four other members, one from each State appointed by the Governor of that State who shall be familiar with the practice of professional engineers, architects or land surveyors. Except for the Secretary of the Department of Resources and Development, a member shall be appointed by the Governor for a term of 4 years. The Chairman, Vice-chairman and Secretary/Treasurer shall be elected annually by majority vote of the Board members at the first regular meeting of the Board after January 1. Each member of the Board shall receive a notice of his appointment from the Governor. On the expiration of the term of any member, the Governor shall appoint a successor. A member may be reappointed to succeed himself but not

1 for more than two consecutive terms. Each member may hold office
2 until the expiration of the term for which appointed or until his
3 successor has been duly appointed and qualified.

4 Section 105. Compensation; Expenses. Members of the Board
5 shall receive no compensation but shall be reimbursed for reasonable
6 and necessary expenses incurred in the course of official duties,
7 when attending to the work of the Board or any of its committees and
8 during time spent in necessary travel. Members shall be reimbursed
9 for all actual traveling, incidental and clerical expenses
10 necessarily incurred in carrying out the provisions of this act.

11 Section 106. Removal of members; Vacancies. The State Governor
12 may remove the member from his State for misconduct, incompetency,
13 neglect of duty or any sufficient cause, in the manner prescribed by
14 law for removal of officials. Vacancies in the membership of the
15 Board shall be filled for the unexpired term by appointment by the
16 Governor of the appropriate State.

17 Section 107. Organization; Meetings. The Board shall hold at
18 least two regular meetings each year. Special meetings may be held
19 as the bylaws of the Board provide. A quorum of the Board shall
20 consist of not less than three members.

21 Section 108. Powers.

22 (1) The Board shall have the power to adopt and amend all
23 rules of procedure not inconsistent with the laws of this Nation,
24 including the adoption and promulgation of Rules of Professional
25 Conduct for Professional Engineers, Architects and Land Surveyors,

1 which shall be binding upon persons registered under this act.

2 (2) The Board shall adopt and have an official seal, which
3 shall be affixed to each certificate issued.

4 (3) In carrying into effect the provisions of this act,
5 the Board under the hand of its Chairman and the seal of the Board,
6 may subpoena witnesses and compel their attendance and also may
7 require the submission of books, papers, documents or other pertinent
8 data, in any disciplinary matters or in any case wherever a violation
9 of this act is alleged. Upon failure or refusal to comply with any
10 such order of the Board or upon failure to honor its subpoena, as
11 herein provided, the Board may apply to a court of appropriate
12 jurisdiction to enforce compliance with same.

13 (4) The Board in the name of the Nation may apply for
14 relief by injunction in the appropriate court, without bond, to
15 enforce the provisions of this act or to restrain any violation
16 thereof. In such proceedings, it shall not be necessary to allege or
17 prove, either that an adequate remedy at law does not exist or that
18 substantial or irreparable damage would result from the continued
19 violation thereof. The members of the Board shall not be personally
20 liable under this proceeding.

21 (5) The Board shall have prepared and shall adopt a set of
22 rules for professional conduct under this act and which shall be made
23 known in writing to every registrant and applicant for registration
24 under this act. The Board may revise and amend these rules for
25 professional conduct from time to time and shall forthwith notify

1 each registrant in writing of such revisions or amendments.

2 Section 109. Records; Reports. The Board shall keep a record
3 of its proceeding and of all applications for registration, which
4 record shall show:

5 (1) The applicant's name, agency and last known address;

6 (2) The date of the application;

7 (3) The applicant's place of business;

8 (4) The applicant's education, experience and other
9 qualifications;

10 (5) The type of examination required;

11 (6) Whether or not the applicant was rejected;

12 (7) Whether or not a certificate of registration was
13 granted;

14 (8) The date of the action by the Board; and

15 (9) Such other information as may be deemed necessary by
16 the Board.

17 The record of the Board shall be prima facie evidence of the
18 proceedings of the Board, and a transcript thereof, duly certified by
19 the Secretary under seal, shall be admissible as evidence with the
20 same force and effect, as if the original were produced.

21 Board records and papers of the following class are of a
22 confidential nature and are not public records: all examination
23 materials for examinations not yet given and examination solutions
24 for which the grades have not yet been published, file records of
25 examination problem solutions, letters of inquiry and reference

1 concerning applicants, Board inquiry forms concerning applicants,
2 investigation files where any investigation is still pending, and all
3 other matters of like confidential nature.

4 Subchapter III

5 APPLICATION AND REGISTRATION

6 Section 110. Persons exempt from registration.

7 The following shall be exempted from this act:

8 (1) Persons practicing professional engineering,
9 architecture or land surveying solely as officers or employees of the
10 National Government agencies of the FSM.

11 (2) Persons practicing professional engineering,
12 architecture or land surveying solely as officers or employees of the
13 State or any political subdivision thereof, until expiration of the
14 terms of office or employment of such persons of the FSM.

15 Section 111. Public works, plan, etc., for and supervision of.

16 The State and the political subdivision thereof and the officers
17 thereof, respectively, shall not engage in the construction of any
18 public work involving professional engineering or architecture for
19 which the plans, specifications and estimates have not been made and
20 the construction of which is not supervised by a professional
21 engineer or architect duly registered hereunder; PROVIDED, that
22 nothing in this section shall apply to any public work involving
23 professional engineering, architecture or landscape architecture
24 wherein the expenditure therefore does not exceed the sum of
25 \$30,000. All land surveys involving property boundaries for public

1 purposes or plans thereof shall be made or supervised by a registered
2 land surveyor.

3 Section 112. Limitation upon application.

4 (1) All engineering work and architectural work in which
5 the public safety or health is involved shall be designed by, and the
6 construction supervised by, a duly registered professional engineer or
7 architect, respectively.

8 (2) All land surveys involving property boundaries for
9 public purposes or plans thereof shall be made or supervised by a
10 registered land surveyor.

11 Section 113. General requirements for registration.

12 (1) No person shall be eligible for admission to examination
13 or registration as a professional engineer, architect or land surveyor or
14 for enrollment as an engineer-in training under this act unless he:
15 (a) Is of good character and repute;

16 (b) Meets the professional qualifications prescribed

17 by this act; and

18 (c) Submits five references with his application for

19 registration as a professional engineer, architect or land surveyor,
20 three of which shall be from practitioners registered in the

21 discipline in which he seeks registration and having personal

22 knowledge of his experience in that discipline or in the case of an

23 application for certification as an engineer-in-training, by three

24 character references.

25 (2) The following shall be considered as minimum evidence

1 satisfactory to the Board that the applicant is qualified for
2 registration:

3 (a) As a Professional Engineer:

4 (i) Graduation, experience and examination. A
5 graduate of an engineering curriculum of 4 years or more approved by
6 the Board as being of satisfactory standing; and with a specific
7 record of an additional 4 years of lawful progressive experience
8 on engineering projects satisfactory to the Board, at least 2 years
9 of which shall have been under the supervision of a registered
10 engineer of a grade and character which indicates to the Board that
11 the applicant may be competent to practice engineering, shall be
12 admitted to a written examination in the fundamentals of engineering
13 and a written examination in the principles and practice of
14 engineering as prescribed by the bylaws. Upon passing such
15 examination, the applicant shall be granted a certificate of
16 registration to practice engineering in this Nation, provided he is
17 otherwise qualified.

18 (ii) Graduation, experience and examination. A
19 graduate of an engineering or related science curriculum of 4 years
20 or more, other than the ones approved by the Board as being of
21 satisfactory standing, and with a specific record of 8 years or more
22 of progressive experience, at least 4 years of which shall have been
23 under the supervision of a registered engineer on projects of a grade
24 and character which indicates to the Board that the applicant may be
25 competent to practice engineering, shall be admitted to a written

1 examination in the fundamentals of engineering and a written
2 examination in the principles and practice of engineering as
3 prescribed in the bylaws. Upon passing such examination, the
4 applicant shall be granted a certificate of registration to
5 practice engineering in this Nation, provided he is otherwise
6 qualified.

7 (iii) A non-graduate from a technical curriculum.

8 A non-graduate of an engineering or related science curriculum of 4
9 years or more, with a specific record of 3 years or more in such a
10 curriculum plus 12 years or more of progressive experience on
11 engineering projects, 4 years of which must have been under the
12 supervision of a registered engineer and of which at least 6 years
13 have been in responsible charge of engineering projects of a grade
14 and character which indicates to the Board that the applicant may be
15 competent to practice engineering, shall be admitted to a written
16 examination in the fundamentals of engineering and the principles and
17 practice of engineering as prescribed in the bylaws. Upon passing
18 such examination, the applicant shall be granted a certificate of
19 registration to practice engineering in this Nation, provided he is
20 otherwise qualified.

21 (iv) Long established practice. A graduate of an
22 engineering or related science curriculum of 4 years or more, with a
23 specific record of 20 years or more of progressive experience on
24 engineering projects at least 15 years of which shall have been under
25 the supervision of a registered engineer and at least 10 years of

1 which shall have been in responsible charge of engineering projects
2 of a grade and character which indicates to the Board that the
3 applicant may be competent to practice engineering, and upon passing
4 an oral or written examination in the principles and practice of
5 engineering as prescribed by the Board, may be granted a certificate
6 of registration to practice engineering in this Nation.

7 (v) Registration by comity or endorsement. A
8 person whose qualifications meet the requirements of this act may,
9 upon application, be registered as a professional engineer if:

10 a) He holds a certificate of registration
11 to engage in the practice of engineering issued to him by a proper
12 authority from which a certificate of registration is recognized by
13 the United States National Council of Engineering Examiners, and is
14 based on requirements that do not conflict with the provisions of
15 this act and which are of a standard not lower than specified in the
16 applicable section of this act; and

17 b) He holds a valid certificate issued by the NCEE.

18 (vi) Waiver of examination in the fundamentals of
19 engineering.

20 (1) Notwithstanding the provisions of subparagraphs (1)
21 through (2) of subsection (2)(a), the examinations required to be
22 passed in order to qualify as a professional engineer shall be limited
23 only to an examination in the principles and practice of engineering if
24 an applicant meets one or more of the following conditions:

25 (a) The applicant holds a valid certificate of

1 registration as a professional engineer in any branch of engineering.

2 (b) The applicant holds a valid certificate as an
3 engineer-in-training.

4 (c) The applicant is a graduate of an approved
5 engineering curriculum and submits satisfactory evidence to the Board
6 that he has 10 years or more of progressive engineering experience
7 satisfactory to the Board.

8 (d) The applicant is a graduate of an engineering or
9 related science curriculum of 4 years or more holding a current
10 certificate of registration to engage in the practice of engineering
11 issued by a proper authority of any foreign country based
12 upon passing an 8 hour or more written examination in that country
13 and who has at least 12 years of progressive engineering experience
14 satisfactory to the Board.

15 (e) The applicant holds a doctorate in engineering
16 from a university or college.

17 (2) As an Engineer-in-Training:

18 (a) Graduation and examination. A graduate of an
19 engineering curriculum of 4 years or more approved by the Board as
20 being of satisfactory standing who has passed the examination as
21 prescribed in the bylaws shall be certified or enrolled as an
22 engineer-in-training, if he is otherwise qualified.

23 (b) Experience and examination. An applicant with a
24 record of 4 or more years of experience in engineering work of a
25 grade and character satisfactory to the Board, and who passes the

1 examination as prescribed in the bylaws shall be certified or
2 enrolled as an engineer-in-training, if he is otherwise qualified.

3 (3) As an Architect:

4 (a) Graduation, experience and examination. A
5 graduate of a curriculum of not less than 4 years from a school of
6 architecture approved by the Board as being of satisfactory standing
7 and at least 4 years of progressive experience satisfactory to the
8 Board in architectural work covering the major categories of
9 architectural practice, at least 2 years of which shall have been
10 under the supervision of a registered architect, shall be eligible
11 for a written examination as prescribed in the bylaws. Upon passing
12 such examination, the applicant shall be granted a certificate of
13 registration to practice architecture in this Nation, if he is
14 otherwise qualified.

15 (b) Experience and examination. An applicant having
16 8 years of architectural training or educational experience
17 satisfactory to the Board of which a minimum of 8 years shall be
18 experience covering the major categories of architectural practice
19 under the supervision of a registered architect, shall be eligible
20 for a written examination as prescribed in the bylaws. Upon passing
21 such examination, the applicant shall be granted a certificate of
22 registration to practice architecture in this Nation, if he is
23 otherwise qualified.

24 (c) Long established practice. A graduate of an
25 architectural curriculum of 4 years or more satisfactory to the Board

1 and a current resident with a specific record of 20 years or more of
2 progressive experience in architectural work satisfactory to the
3 Board, at least 12 years of which shall have been under the
4 supervision of a registered architect, at least 10 years of which
5 shall have been in responsible charge of important architectural
6 projects, and of a grade and character which indicates to the Board
7 that the applicant may be competent to practice architecture and who
8 has passed an oral or written examination as prescribed by the Board,
9 shall be granted a certificate of registration to practice
10 architecture in this Nation.

11 (d) Registration by comity or endorsement. A person
12 who in the opinion of the Board meets the requirements of this act
13 and who holds a certificate of registration to engage in the practice
14 of architecture on the basis of comparable qualifications issued by
15 the proper authority based on requirements that do not conflict with
16 the provisions of this act and which are of a standard not lower than
17 specified in the applicable section of this act and based on verified
18 evidence, as set forth in a current certificate of qualification
19 issued by the United States National Council of Architectural
20 Registration Boards, may upon application, accompanied by a
21 certificate, be registered without further examination.

22 (4) As a Land Surveyor:

23 (a) Graduation, experience and examination. A
24 graduate of a surveying curriculum of 4 years or more at an
25 institution approved by the Board as being of satisfactory standing

1 and with a specific record of an additional 4 years or more of
2 progressive combined office and field experience on land surveying
3 work at least 2 years of which shall be under the supervision of a
4 registered land surveyor and of a grade and character which indicates
5 to the Board that the applicant may be competent to practice land
6 surveying shall be eligible for a written examination in the
7 fundamentals of land surveying, in the principles and practice of
8 land surveying, and land matters as prescribed in the bylaws. Upon
9 passing such examination, the applicant shall be granted a
10 certificate of registration to practice land surveying in this
11 Nation, provided he is otherwise qualified.

12 (b) Education, experience and examination. A
13 graduate of a surveying or related science curriculum of 4 years or
14 more, other than the ones approved by the Board as being of
15 satisfactory standing, and with a specific record of an additional 8
16 years of combined office and field experience satisfactory to the
17 Board in land surveying of which a minimum of 3 years experience has
18 been in responsible charge of land surveying projects under the
19 supervision of a registered land surveyor, shall be admitted to a
20 written examination in the fundamentals of land surveying, in the
21 principles and practice of land surveying and land matters as
22 prescribed in the bylaws. Upon passing such examination, the
23 applicant shall be granted a certificate of registration to practice
24 land surveying in this Nation, provided he is otherwise qualified.

25 (c) Experience and examination. An applicant with a

1 specific record of 12 years or more of practice in land surveying, of
2 which at least 8 years have been in responsible charge of important
3 land surveying work under the supervision of a registered land
4 surveyor, and of a grade and character satisfactory to the Board
5 which indicates to the Board that the applicant may be competent to
6 practice land surveying and who has passed a written examination in
7 the fundamentals of land surveying, in the principles and practice of
8 land surveying and land matters, shall be granted a certificate of
9 registration to practice land surveying in this Nation, provided he
10 is otherwise qualified.

11 (d) Registration by comity or endorsement. A person
12 holding a certificate of registration to engage in the practice of
13 land surveying on the basis of comparable qualifications issued by a
14 proper authority of a State, who in the opinion of the Board meets
15 the requirements of this act, will be given comity consideration.
16 However, he may be required to take oral and/or written examinations
17 as the Board may deem necessary to determine his qualifications.

18 (e) Teaching experience. Teaching in accredited
19 engineering, architectural or surveying school or college. Maximum
20 experience credit for teaching shall be 1 year of teaching third,
21 fourth and fifth year courses. One year of teaching shall be
22 considered to be a total teaching load of twenty semester credit
23 hours or thirty quarter credit hours. The teaching credit can be
24 applied only where minimum full-time lawful experience requirements
25 are more than 2 years; and in addition to the foregoing requirements,

1 the Board may, in its discretion, require additional proof that the
2 applicant is competent to practice professionally.

3 Section 114. Application and registration fee.

4 (1) Application for registration as a professional
5 engineer, architect or land surveyor or for certification as an
6 engineer-in-training shall be on a form prescribed and furnished by
7 the Board. It shall contain statements made under oath showing the
8 applicant's education and a detailed summary of his technical and
9 engineering, architectural or land surveying experience, and shall
10 include the names and complete mailing addresses of his references,
11 none of whom should be members of the Board.

12 (2) The application, examination and registration fees
13 shall be prescribed by the Board and shall be specified in the bylaws.

14 (3) No fee refund will be made after the application has
15 been received and acted upon by the Board even if registration is
16 denied.

17 Section 115. Examinations.

18 (1) The applicant may be subjected to such examinations as
19 may be deemed necessary to determine his qualifications. The
20 examinations will be held at such times and places as the Board may
21 direct.

22 (2) Written examinations as specified in the bylaws may be
23 taken only after the applicant has met the other minimum requirements.

24 (3) A candidate failing an examination may apply for
25 re-examination, which may be granted upon payment of a fee

1 established by the Board.

2 (4) A candidate whose grade in a previous examination
3 indicates that he is unprepared may at the discretion of the Board be
4 required to wait 1 year before being eligible for re-examination.

5 Section 116. Applications for and certificates of registration;
6 Renewal fees.

7 (1) Application for registration shall be made upon blanks
8 to be furnished by the Board and shall be signed and sworn to by the
9 applicant. With each application there shall be paid to the Board an
10 application fee, the fee to be nonreturnable after the application
11 has been entered in the records of the Board.

12 For each examination or repetition thereof in whole or in
13 part as shall be limited or permitted by the rules of the Board, the
14 candidate shall pay to the Board an examination fee; PROVIDED, where
15 the candidate is eligible to take only that part of the examination
16 pertaining to engineering fundamentals, the candidate shall pay the
17 appropriate fee. The fee paid shall not be refundable; PROVIDED, if
18 a candidate after having paid the fee is unable for any reason beyond
19 the candidate's control to participate in the examination, the Board
20 may extend the time of the candidate's participation to the next
21 regular examination date and credit the candidate the amount of the
22 fee paid.

23 (2) Upon qualifying for registration, the applicant shall
24 pay a registration fee, and upon receipt thereof by the Board shall
25 there upon be registered as a professional engineer, architect or

1 land surveyor, and shall receive a certificate thereof from the Board
2 signed by the Chairman and Secretary.

3 (3) Every person registered who, as an individual or as a
4 member of a firm or corporation, conducts an office or other place of
5 business for the practice of the profession shall display the
6 original certificate in a conspicuous manner, in the principal office
7 or place of business.

8 (4) Every certificate of registration expires on April 30
9 of each even-numbered year following its issuance and becomes invalid
10 after that date unless renewed. The Secretary of the Board, at least
11 1 month in advance of the date of expiration of the certificate of
12 registration, shall mail a notice to every person registered under
13 this section giving the date of expiration and the amount required
14 for the renewal thereof. The fee for renewal and all other fees in
15 this act shall be as provided in the rules adopted. Certificates of
16 registration which have expired for failure to pay renewal fees on or
17 before the date required in this subsection may be reinstated within
18 1 year of the expiration date upon payment of a fee for each renewal
19 certificate.

20 Section 121. Suspension or revocation of certificates; Hearings.

21 (1) The Board may revoke or suspend the certificate of
22 registration of any person hereunder who is found guilty of any fraud
23 or deceit in obtaining the certificate or of gross negligence,
24 incompetency or misconduct in the practice of his profession or who
25 is convicted of violating this act or the rules or regulations of the

1 Board. Any person may prefer charges in writing with the Secretary
2 of the Board against any person holding a certificate.

3 (2) In all proceedings before it, the Board and each
4 member thereof shall have the same powers respecting administering
5 oaths, compelling the attendance of witnesses and the production of
6 documentary evidence, and examining witnesses, as are possessed by
7 courts. In case of disobedience by any person of any order of the
8 Board, or of any member thereof, or of any subpoena issued by it, or
9 by a member or the refusal of any witness to testify to any matter
10 regarding which he may be questioned lawfully, any judge or justice,
11 on application by the Board or a member thereof, shall compel
12 obedience as in the case of disobedience of the requirements of a
13 subpoena issued by an appropriate court or a refusal to rectify
14 therein.

15 Section 118. Contents of certificates; Use of seal mandatory
16 when.

17 (1) Each certificate of registration issued hereunder
18 shall bear the date of the original registration and shall specify
19 whether the person to whom it is issued is authorized by the Board to
20 practice professional engineering, architecture or land surveying.

21 (2) In the case of a certificate issued to a person
22 authorizing him to practice professional engineering, the certificate
23 shall furthermore indicate the major branch or branches of
24 engineering in which the person has especially qualified.

25 (3) Every registered person may use a seal or rubber

1 stamp of the design authorized by the Board bearing his name and the
2 words "registered professional engineer," "registered architect" or
3 "registered land surveyor" or otherwise as may be authorized by the
4 Board.

5 (4) All plans, specifications, maps and reports prepared
6 by or under the supervision of a registered engineer, architect or
7 surveyor, shall be stamped with such seal or stamp when filed with
8 public officials. It shall be unlawful for anyone to seal or stamp
9 any document with such seal or stamp after the certificate of the
10 registrant named thereon has expired or has been revoked or suspended
11 unless such certificate has been renewed or reissued.

12 Section 119. Corporation and partnerships. A corporation or
13 co-partnership may engage in the practice of professional
14 engineering, architecture or surveying in the State; PROVIDED, the
15 person or persons connected with the corporation or co-partnership
16 directly in charge of the professional work is duly registered
17 hereunder; and PROVIDED FURTHER, that the name or names of such
18 person or persons has or have been filed with the Board by the
19 corporation or co-partnership.

20 Section 120. Structures exempted from provisions.

21 (1) The provisions of this act shall not apply to work in
22 respect to any privately owned or privately controlled one-storied
23 building, dwelling or structure, the estimated cost of which does not
24 exceed \$40,000, nor to any privately controlled two-storied building,
25 dwelling or structure, the estimated cost of which does not exceed

1 \$35,000.

2 (2) The provisions of this act shall not apply to work in
3 respect to any privately owned or privately controlled one-storied
4 structure, which is used primarily as a residence, the estimated cost
5 of which does not exceed \$50,000, nor to any privately owned or
6 privately controlled two-storied structure, which is used primarily
7 as a residence, the cost of which does not exceed \$45,000.

8 Section 121. Violations; Penalties. Any person who practices,
9 offers to practice or holds himself out as authorized and qualified
10 to practice professional engineering, architecture or land surveying,
11 in the Nation who uses the title "engineer," "architect," "land
12 surveyor" or "landscape architect" or any title, sign, card or device
13 to indicate that such person is practicing professional engineering,
14 architecture or land surveying or is a professional engineer,
15 architect or land surveyor without having first registered in
16 accordance with this act and without having a valid unexpired
17 certificate of registration; or who uses or attempts to use as his
18 own the seal or the certificate of registration of another, or who
19 falsely impersonates any duly registered practitioner hereunder or
20 who uses or attempts to use an expired, suspended or revoked
21 certificate of registration; or any firm or corporation which
22 advertises that it will furnish architectural or engineering services
23 in the making of plans or specifications or in the construction of
24 any building or other structure, without first having complied with
25 this act, or any firm or corporation which furnishes or offers to

1 furnish architectural or engineering services for the construction of
2 any building, structure, project or utility, without first having
3 complied with this act, or any person or firm who violates any of the
4 provisions of this act shall be fined not more than \$5,000 or
5 imprisoned not more than 1 year, or both.

6 Section 122. Effective date. This act shall become law upon
7 approval by the President of the Federated States of Micronesia or
8 upon its becoming law without such approval.

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10 Date: May 16, 1989

Introduced by: Leo A. Falcam
Leo A. Falcam

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