

or shall not fully close its affairs and convey all of its property within the period of three years succeeding the date of such termination, and when such corporation has or claims or appears to have or claim any interest in or to any property, the time limit for so closing its affairs and disposing of its property is hereby extended for two years after the passage of this act for the purpose of permitting the corporation to close its affairs and dispose of its property, and the extension hereby made shall also apply for the purpose of authorizing and permitting service of process in actions at law or in equity in order that the corporation may prosecute and defend actions and be served with process therein.

Sec. 2. Transfers to trustee. The corporation during such two year period when authorized by a majority vote of its board of directors or the written consent of the holders of a majority of the shares of stock of the company, issued and outstanding, having voting power, may transfer and convey all or any part of its property to a trustee or trustees with power of sale in trust for the benefit of all of the stockholders of the corporation.

Sec. 3. Transfers legalized. Any and all transfers and conveyances of property by the corporation and the service of process by or against the corporation, made or done after the date of termination of its corporate existence and on or before two years after the passage of this act, are hereby legalized and made of the same force and effect as if the same had been made or done within three years after the date of termination of its corporate existence.

Sec. 4. Pending proceedings. This act shall not affect any action or proceeding now pending.

Approved April 18, 1945.

CHAPTER 380—S. F. No. 461

An act relating to the practice of architecture, professional engineering and land surveying; amending Minnesota Statutes 1941, Sections 326.02, 326.03, 326.10, 326.11, 326.12, 326.14, 326.15, 326.16 and 326.53.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1941, Section 326.02, is hereby amended to read as follows:

326.02. Registration of architects, engineers and surveyors. Subdivision 1. Registration mandatory. In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing, or offering to practice, architecture, professional engineering, or land surveying in this State, either as an individual, a co-partner, or as agent of another, shall be registered as hereinafter provided. It shall be unlawful for any person to practice, or to offer to practice, in this State, architecture, professional engineering, or land surveying, or to solicit or to contract to furnish work within the terms of Sections 326.02 to 326.16, or to use in connection with his name, or to otherwise assume, use or advertise any title or description tending to convey the impression that he is an architect, professional engineer (hereinafter called engineer) or land surveyor, unless such person is qualified by registration under Sections 326.02 to 326.16.

Subd. 2. Qualification requirements. Any person shall be deemed to be practicing architecture, within the meaning of Sections 326.02 to 326.16, who holds himself out as able to perform or who does perform any professional service, such as planning, design, or supervision of construction for the purpose of compliance with specifications and design, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences, acquired by education or training.

Subd. 3. Persons qualified. Any person shall be deemed to be practicing professional engineering within the meaning of Sections 326.02 to 326.16 who shall furnish any technical professional service, such as planning, design or supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private structures, buildings, utilities, machines, equipment, processes, works, or projects, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the principles of mathematics and the physical sciences, acquired by education or training.

Subd. 4. Practice defined. Any person shall be deemed to be practicing land surveying within the meaning of Sections 326.02 to 326.16 who makes any survey for the establishment or re-establishment of land boundaries, or for the

subdivision and platting of land or for the determination of areas.

Subd. 5. Limitation. The provisions of Sections 326.02 to 326.16 shall not apply to the preparation of plans and specifications for the erection, enlargement, or alteration of any building or other structure by any person, for his, or his lessee's exclusive occupancy or use, unless such occupancy or use involves the public health or safety or the health or safety of the employees of said person, or his lessee; nor shall they apply to the preparation of plans and specifications for any building, structure, or work, which is not public as defined in Section 326.03, the total cost of which does not exceed \$10,000; nor shall they apply to the preparation of plans and specifications for any single or two-family dwelling, nor to any farm building or accessory thereto; nor to any detailed or shop plans required to be furnished by a contractor to a registered engineer or architect, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect or engineer registered in accordance with this Act.

Sec. 2. Minnesota Statutes 1941, Section 326.03, is hereby amended to read as follows:

326.03. Registration required. No person, except an architect, engineer or land surveyor, registered as provided for in Sections 326.02 to 326.15 shall practice architecture, professional engineering, or land surveying, respectively, in the preparation of plans, specifications, report, plats or other engineering or architectural documents, or in the supervision of architectural, engineering, or land surveying work, for any public work or public improvement in this state, excepting any public work or public improvement the total cost of which does not exceed \$2,000, provided that plans and specifications for such work or improvement affecting water supply or waste disposal are approved by the appropriate state agency. Public work or public improvement is defined to mean work or improvement the cost of which is to be paid in whole or in part from public funds.

No plat, map, or drawing of any survey or subdivision of lands required by law to be filed or recorded with the register of deeds or registered with the registrar of titles of any county, shall be filed, recorded, or registered therein unless there shall be endorsed thereon a certificate by a registered land surveyor.

The provisions hereof shall not apply to any person holding an elective office when in discharging the duties thereof

such person is required to do work or perform service of the character of work or service usually done or performed by an architect, engineer, or land surveyor.

Sec. 3. Minnesota Statutes 1941, Section 326.10 is hereby amended to read as follows:

326.10. Certificates of registration. Subdivision 1. Issuance. The board shall, on application therefor, on a prescribed form, and the payment of a fee not to exceed \$10.00, issue a certificate of registration as an architect or engineer, and, on the payment of a fee of not to exceed \$5.00, issue a certificate of registration as a a land surveyor;

(1) To any person over 25 years of age, who is a citizen of the United States or Canada, or who has made declaration of his intention to become a citizen of the United States; who speaks and writes the English language; who is of good moral character and repute, and has been actively engaged for *eight* or more years in *architectural or engineering work*, or engaged for *six* or more years in surveying work. The character of such work shall be *satisfactory* to the Board. Each *scholastic* year of teaching or of study satisfactorily completed, of architecture, engineering, or land surveying in a school or college of architecture or engineering *accredited by the National Architectural Accrediting Board or by the Engineers' Council for Professional Development*, shall be considered as equivalent to one year of such active engagement, *provided, however, that three years of actual experience of a standard satisfactory to the board shall be required in addition to school attendance.*

An honorably discharged veteran of World War I or World War II shall be given credit for such experience or education gained in the armed services of the United States as meets the standards fixed by the board.

(2) To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for registration of architects, engineers, or land surveyors are equal to those fixed by the board *and by the laws of this state*, and in which similar privileges are extended to the holders of certificates of registration issued by this state;

Subd. 2. Examination. The board may subject any applicant to such *examinations* as may be deemed necessary to establish his qualifications.

In determining the qualifications in such cases of applicants for registration as architects, a majority vote of the architect members of the board only shall be required; in determining the qualifications in such cases of applicants for registration as engineers, a majority vote of the engineer members of the board only, shall be required; and in determining the qualifications of applicants for registration as land surveyors, the affirmative vote of the land surveyor member and of one engineer of the board only, shall be required.

Subd. 3. Rules for classification. The board may make reasonable rules and regulations for classifying and registering engineers in divisions according to their qualifications to practice different classes of engineering work, and shall, in such case, register qualified applicants in one or more such divisions in which they shall qualify under the terms of Sections 326.02 to 326.16 and shall, in any event, provide one such division for highway engineers.

Any person so qualified may be registered in two or all of these three professions; but the aggregate fee for such registration shall not exceed \$15.00.

Subd. 4. Deposit returned. In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant.

Subd. 5. Expiration; notice; renewal. Certificates of registration shall expire on the last day of the calendar year for which they are issued and shall become invalid on that date unless renewed. It shall be the duty of the secretary-treasurer of the board to notify, by mail, every person registered of the date of the expiration of his certificate and the amount of fee required for its renewal for one year; such notice shall be mailed to the registrant at his address as shown on the records of the Board at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time during the month of December by the payment of a fee of \$3.00 for an architect or an engineer, and \$1.00 for a land surveyor.

Subd. 6. Delayed registration. The failure on the part of any registrant to renew his certificate annually in the month of December shall not deprive such person of his right of renewal thereafter, but the fees to be paid for the renewal of the certificate after the succeeding first day of January shall be \$5.00 for an architect or an engineer, and \$2.00 for a land surveyor. The aggregate fee for renewal of registration in two

or three of the professions shall be the same as the single renewal fee for registration as an architect or an engineer.

Subd. 7. Graduates. Any candidate for registration as an architect or professional engineer who is a graduate of an accredited school or college of architecture or engineering or who has had four years or more of experience in architectural or engineering work of a character satisfactory to the board shall receive from the board, upon successfully passing an examination in fundamental architectural or engineering subjects, a certificate stating that he has passed such examination and that his name has been recorded as an architect-in-training or as an engineer-in-training.

Sec. 4. Minnesota Statutes 1941, Section 326.11, is hereby amended to read as follows:

326.11. Certificates of registration, revocation, re-issue, duplicates. *Subdivision 1. Revocation.* The board shall have the power to revoke or suspend as hereinafter provided, the certificate of registration of any architect, engineer, or land surveyor, who is found guilty by the board of any fraud or deceit in obtaining a certificate of registration, or of attaching his seal or signature to any plan, specification, report, plat, or other engineering or architectural document not prepared by him or under his direct supervision, or of gross negligence, incompetency, or misconduct in the practice of architecture, engineering, or land surveying, or upon conviction of any violation of Sections 326.02 to 326.16 or amendments thereof, or of any crime involving moral turpitude or upon adjudication of insanity or incompetency, and in the case of such conviction or adjudication, such revocation or suspension may be made by the board on its own motion on the filing with its secretary-treasurer of a copy of the minutes of such conviction and judgment or adjudication, duly certified by the clerk in whose custody they are, the same to be conclusive evidence of such conviction or adjudication.

Subd. 2. Charges. Any person may prefer charges of such fraud, deceit, misuse of seal or signature or of such gross negligence, incompetency, or misconduct against any person registered hereunder. Such charges shall be in writing, sworn to by the complainant, filed with the secretary-treasurer and submitted by him to the board; and, unless dismissed without hearing by the board as unfounded or trivial, shall be heard or determined by the board within three months after the date of such filing with the secretary-treasurer. A time and place for such hearing shall be fixed by the board.

Subd. 3. Copy served; notice of hearing. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least 30 days before the date fixed for the hearing, and, in the event that such service cannot be effected 30 days before the hearing, the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition.

Subd. 4. Hearing. At the hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses against him, and to produce evidence and witnesses in his defense. If, after said hearing, five or more members of the board vote in favor of finding the accused guilty of any charge made against him, the board may revoke or suspend the certificate of registration of the accused.

Subd. 5. Re-issue. The board may reissue a certificate of registration to any person whose certificate has been revoked, provided five or more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

Subd. 6. Replacement of lost certificate. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules and regulations of the board. A charge of \$1.00 shall be made for such reissuance.

Sec. 5. Minnesota Statutes 1941, Section 326.12, is hereby amended to read as follows:

326.12. **Certificates as evidence; seals of registrants.** *Subdivision 1. Judicial proof.* The issuance of a certificate of registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, registered engineer, or registered land surveyor while the certificate remains unrevoked or has not expired or has not been suspended.

Subd. 2. Seal. Each registrant may, upon registration, obtain a seal of a design approved by the board, bearing the registrant's name and the legend "registered architect," "registered professional engineer," or "registered land surveyor." Plans, specifications, plats, reports, and other documents prepared by a registrant may be stamped with the seal during the life of registrant's certificate. A rubber stamp facsimile thereof, however, may be used in lieu of the seal on tracings from which prints are to be made or on papers which would be damaged by the regular seal. It shall be unlawful for any one to stamp or seal any document with the stamp or seal after

the certificate of the registrant named thereon has expired, been revoked or suspended, unless said certificate shall have been renewed or reissued.

Subd. 3. Certified signature. Each plan, specification, plat, report, or other document which Sections 326.02 to 326.16 require be prepared by a registered architect, registered engineer, or registered land surveyor shall bear the signature of the person preparing it, or the signature of the person under whose direct supervision it was prepared except for detailed or shop plans as exempted in Section 326.02, subdivision 5. Each signature shall be accompanied by a certification that the signer is registered under Sections 326.02 to 326.16. The provisions of this paragraph shall not apply to documents of an intra-office or intra-company nature.

Sec. 6. Minnesota Statutes 1941, Section 326.14, is hereby amended to read as follows:

326.14. Corporations and partnerships authorized. *A corporation or partnership may engage in work of an architectural or engineering character, or in land surveying in this State, provided the person or persons connected with such corporation or partnership in responsible charge of such work is or are registered as herein required for the practice of architecture, engineering and land surveying.*

Sec. 7. Minnesota Statutes 1941, Section 326.15, is hereby amended to read as follows:

326.15. False impersonation. *It shall be unlawful for any person to present or attempt to use as his own the seal or certificate of another, or to give false or forged evidence of any kind to the board, or any member thereof, or to falsely impersonate any registrant of like or different name, or to use or attempt to use as his own the certificate of registration of another issued by any authority outside of this state, or to use or attempt to use an expired or revoked or suspended certificate of registration.*

Sec. 8. Minnesota Statutes 1941, Section 326.16, is hereby amended to read as follows:

326.16. Appeals to district court. Any person aggrieved by any ruling or order of the Board made under the provisions of Sections 326.02 to 326.15, may appeal therefrom to any district court of the state by serving written notice of such intention upon the secretary-treasurer of the board, specifying such court, within 30 days after the same is made. The secretary-treasurer of the board shall thereupon file with the

clerk of such court a certified copy of the order or rulings or findings of fact upon which the same are based, which shall be prima facie evidence of the facts therein stated. *The trial of all issues on such appeal shall be de novo by the court and such appeal shall be heard and tried in the same manner as other issues of law and fact are heard and tried in such court, and the ruling or order of the board shall be stayed pending the said appeal.*

Sec. 9. Minnesota Statutes 1941, Section 326.53, is hereby amended to read as follows:

326.53. Violations and penalties. Subdivision 1: (1) Any violation of the provisions of sections 326.02 to 326.23 shall be a gross misdemeanor.

(2) Any person violating any of the provisions of sections 326.33 to 326.36 shall be guilty of a gross misdemeanor; and, upon conviction thereof, fined not to exceed \$100.00 or imprisoned in the county jail for not to exceed three months, or both, for each and every violation thereof.

(3) Every person violating any of the provisions of Sections 326.523 to 326.526, or assisting in such violation, shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, or, in default of the payment of such fine, by imprisonment in the county jail for not more than one year. In the case of a corporation, the violation of these sections shall be deemed to be also that of the individual directors, officers, or agents of such corporation who have assisted in such violation, or who have authorized, ordered, or done the acts or omissions constituting, in whole or in part, such violation; and, upon conviction thereof, any such directors, officers, or agents shall be punished by fine or imprisonment as herein provided.

Subdivision 2. (1) Any person violating any of the provisions of Sections 326.37 to 326.45 or who shall wilfully make any false representations to the board of health in applying for a license or permit shall be guilty of a misdemeanor.

(2) Any person violating any of the provisions of Sections 326.46 to 326.52 or who shall wilfully make any false representation to the industrial commission in applying for a license or permit shall be guilty of a misdemeanor.

Approved April 18, 1945.