

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 506

(By Mr. Meyler)



PASSED April 14 1973

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

506

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 506
(By MR. MYLES)

(Originating in the House Committee on the Judiciary)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, five, seven and twelve, article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section sixteen, all relating to land surveyors; the board of examiners of land surveyors and the terms of its members; the fees to be charged by such board; the application of person for license and certificate as land surveyor and underground surveyor; procedures for authorizing nonresidents to practice land surveying in this state; duties of county clerks to record certain documents without land surveyor's certification; requiring land surveyors to furnish plat and description of property surveyed.

Be it enacted by the Legislature of West Virginia:

That sections three, five, seven and twelve, article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section sixteen, all to read as follows:

ARTICLE 13A. LAND SURVEYORS.

§30-13A-3. Board of examiners of land surveyors created; appointment, terms, removal, etc., of members; officers; meetings; quorum; compensation and expenses.

1 (a) There is hereby created the state board of examiners
2 of land surveyors which shall be composed of three members
3 appointed by the governor by and with the advice and consent
4 of the senate. Each member shall have been actively engaged
5 in the practice of land surveying for at least ten years and
6 shall be the holder of a license under the provisions of this
7 article.

8 (b) The members of the board shall be appointed for over-
9 lapping terms of three years each ending on the thirtieth day
10 of June, and until their respective successors have been
11 appointed and qualified. Members may be reappointed for
12 any number of terms. Before entering upon the performance
13 of his duties, each member shall take and subscribe to the
14 oath required by section five, article four of the constitution
15 of this state. Vacancies shall be filled by appointment by the
16 governor for the unexpired term of the member whose office
17 shall be vacant and such appointment shall be made within
18 sixty days of the occurrence of such vacancy. Any member
19 may be removed by the governor in case of incompetency,
20 neglect of duty, gross immorality or malfeasance in office.

21 (c) The board shall elect from its membership a chairman
22 and secretary-treasurer. A majority of the members of the
23 board shall constitute a quorum and meetings shall be held at
24 the call of the chairman or upon the written request of two
25 members at such time and place as designated in such call
26 or request, and, in any event, the board shall meet at least
27 once annually to conduct the examination hereinafter pro-
28 vided for and to transact such other business as may come
29 before it.

30 (d) Members shall be paid such reasonable compensation
31 as the board may from time to time determine, and in addition
32 may be reimbursed for all reasonable and necessary expenses
33 actually incurred in the performance of their duties, which
34 compensation and expenses shall be paid in accordance with
35 the provisions of subsection (b), section four of this article.

§30-13A-5. Qualifications of applicants for licenses; exceptions; applications; fees; examinations.

1 (a) To be eligible for a license to engage in the practice
2 of land surveying, the applicant must:

3 (1) Be at least eighteen years of age;

4 (2) Be of good moral character;

5 (3) Have been a resident of the United States for one year
6 immediately preceding the date of application;

7 (4) Not have been convicted of a crime involving moral
8 turpitude;

9 (5) Have four years or more experience in the practice of
10 land surveying under the supervision of a licensee, or a person
11 eligible for a license hereunder, or a person authorized in
12 another state or country to engage in the practice of land
13 surveying; and each year of satisfactory study in an accredited
14 surveying curriculum may be substituted for one year of
15 experience, but only two years of such experience requirement
16 may be fulfilled by such study; and

17 (6) Have passed the examination prescribed by the board,
18 which examination shall cover the basic subject matter of land
19 surveying and land surveying skills and techniques.

20 (b) The following persons shall be eligible for a license
21 to engage in the practice of land surveying without examina-
22 tion:

23 (1) Any applicant who is licensed, certificated or registered
24 to engage in the practice of land surveying in any other state
25 or country, if the requirements to obtain a license or certificate
26 or to become registered in such other state or country are
27 found by the board to be at least as great as those prescribed
28 in this article.

29 (2) Any applicant who is a graduate of an accredited
30 surveying curriculum and has at least two years of experience
31 in the practice of land surveying under the supervision of
32 a licensee, or a person eligible for a license hereunder, or a
33 person authorized in another state or country to engage in the
34 practice of land surveying, if such applicant meets the require-
35 ments of subdivisions (1), (2), (3) and (4), subsection
36 (a) of this section.

37 (3) Any applicant who has been engaged in the practice of
38 land surveying in West Virginia for at least six years prior
39 to the filing of such application, if such application for a

40 license is made within three years after the effective date
41 of this article and if such person meets the requirements of
42 subdivisions (1), (2), (3) and (4), subsection (a) of this
43 section. Such applicant must also furnish the names and
44 addresses of ten persons who have engaged such applicant
45 as a land surveyor, together with satisfactory records of such
46 land surveying work.

47 (c) Any applicant for any such license shall submit an
48 application therefor on forms provided by the board. Such
49 applications shall be verified and shall contain a statement of
50 the applicant's education and experience, the names of five
51 persons for reference (at least three of whom shall be licensees,
52 or persons eligible for a license hereunder, or persons
53 authorized in another state or country to engage in the practice
54 of land surveying, who have knowledge of his work) and such
55 other information as the board may from time to time by
56 reasonable rule and regulation prescribe.

57 (d) An applicant shall pay to the board with his applica-
58 tion a license fee of twenty dollars, half of which fee shall
59 be returned if he is denied a license.

60 (e) Examinations shall be held at least once each year
61 at such time and place as the board shall determine. The
62 scope of the examination and methods of procedure shall be
63 determined by the board. An applicant who fails to pass an
64 examination may reapply at any time and shall furnish addi-
65 tional information as requested by the board. Each such
66 application shall be accompanied by a license fee of twenty
67 dollars, half of which fee shall be returned if the applicant
68 is again denied a license.

69 (f) A licensee who obtained his license under the provisions
70 of subsection (b) (2) or subsection (b) (3) of this section
71 may, in addition, apply for licensing under the provisions of
72 subsection (a) of this section, if such licensee pays the fee
73 otherwise required to be paid by other applicants and if such
74 licensee meets the qualifications of subsection (a). Any ap-
75 plicant may apply for a separate license under subsections (a),
76 (b) (2), or (b) (3), of this section upon the payment of the
77 required fee for each license, and he may receive a license for
78 each subsection for which such person makes application and
79 is qualified. If any person fails to qualify for a license under
80 any subsection of this section, such failure to qualify shall not

81 prevent such person's licensure under any other subsection
82 of this section for which such person is otherwise qualified.

§30-13A-7. Exemption from regulation and licensing.

1 The following persons are exempt from regulation and licen-
2 sing under the provisions of this article and any reasonable
3 rules and regulations promulgated hereunder, and may engage
4 in the practice of land surveying without a license issued under
5 the provisions of this article and any such reasonable rules
6 and regulations:

7 (a) Any professional engineer authorized to practice the
8 profession of engineering as provided in article thirteen of this
9 chapter;

10 (b) Any resident of another state, when such practice in
11 this state does not exceed in the aggregate more than thirty
12 days per calendar year, or such additional time as may be ap-
13 proved by the board, if such person is licensed, certified or
14 registered in his own state and the requirements for obtaining
15 a license or certificate or becoming registered in such other
16 state are not lower than those specified in this article: *Provided,*
17 That the person shall first have secured a letter of authorization
18 for the calendar year from the board and have paid a fee of
19 five dollars to the board.

20 (c) Any employee of a person holding a license to engage in
21 the practice of land surveying in this state or any employee of
22 a person exempted from regulation and licensing under sub-
23 divisions (a) and (b) of this section: *Provided,* That the work
24 of any such employee is done under the supervision of and
25 certified by his employer;

26 (d) Any employee of a person, firm, association or corpora-
27 tion, when such employee is engaged in the practice of land
28 surveying exclusively for the person, firm, association or cor-
29 poration by which employed, or, if a corporation, its parents,
30 affiliates or subsidiaries, and such person, firm, association or
31 corporation does not hold himself or itself out to the public as
32 being engaged in the business of land surveying;

33 (e) Any employee or officer of the United States, this state
34 or any political subdivision thereof, when such employee is
35 engaged in the practice of land surveying exclusively for such
36 governmental unit.

§30-13A-12. Duty of county clerks and public officials.

1 No document prepared by or alleged to have been prepared
2 by a land surveyor shall be filed by any clerk of a county court
3 or accepted by any public official of this state unless the seal
4 required by section eleven of this article has been affixed there-
5 to, except that any document prepared by a person exempted
6 from the regulation and licensing requirements of this article,
7 as provided in section seven of this article, shall not be requir-
8 ed to have the seal required by section eleven of this article
9 affixed thereto. Nothing in this section shall prevent a docu-
10 ment prepared prior to the twenty-fifth day of May, one thou-
11 sand nine hundred sixty-nine, from being recorded without
12 such seal. If a seal of such exempt person is not affixed to said
13 document, a certificate shall be placed thereon by the exempt
14 person, stating upon what the exemption is claimed. Said certi-
15 ficate may be in a form similar to the following:

16 "I certify that I am engaged in surveying exclusively
17 for _____ and believe
18 I am exempt from regulations and licensing under
19 West Virginia Code 30-13a-7

20
21

Signature"

§30-13A-16. Delivery of plat and description; recordation.

1 When any land surveyor makes a property boundary sur-
2 vey as defined in section two of this article, he shall make a
3 plat and description thereof, and shall furnish a copy thereof
4 to the client or landowner. If the title to the land surveyed is
5 conveyed, the plat shall be recorded simultaneously with the
6 instrument conveying title, except when such plat has already
7 been recorded and reference given in lieu of a second recording
8 of said plat.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Darrel Darby
Chairman Senate Committee

Clarence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Haward W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. I. Bostwick
President of the Senate

Leona R. K. Thomas
Speaker House of Delegates

The within approved this the 24th
day of April, 1973.

Archie A. Thomas Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.

RECEIVED

MAY 3 2 37 PM '73

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA