WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

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ENROLLED

HOUSE BILL No. 516

(By Mr. [Signature])

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PASSED April 14, 1973

In Effect [Signature] Passage

C 641

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/6/73
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.

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

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

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

(d) Members shall be paid such reasonable compensation as the board may from time to time determine, and in addition may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties, which compensation and expenses shall be paid in accordance with the provisions of subsection (b), section four of this article.
§30-13A-5. Qualifications of applicants for licenses; exceptions; applications; fees; examinations.

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

1. Be at least eighteen years of age;
2. Be of good moral character;
3. Have been a resident of the United States for one year immediately preceding the date of application;
4. Not have been convicted of a crime involving moral turpitude;
5. Have four years or more experience in the practice of land surveying under the supervision of a licensee, or a person eligible for a license hereunder, or a person authorized in another state or country to engage in the practice of land surveying; and each year of satisfactory study in an accredited surveying curriculum may be substituted for one year of experience, but only two years of such experience requirement may be fulfilled by such study; and
6. Have passed the examination prescribed by the board, which examination shall cover the basic subject matter of land surveying and land surveying skills and techniques.

(b) The following persons shall be eligible for a license to engage in the practice of land surveying without examination:

1. Any applicant who is licensed, certificated or registered to engage in the practice of land surveying in any other state or country, if the requirements to obtain a license or certificate or to become registered in such other state or country are found by the board to be at least as great as those prescribed in this article.
2. Any applicant who is a graduate of an accredited surveying curriculum and has at least two years of experience in the practice of land surveying under the supervision of a licensee, or a person eligible for a license hereunder, or a person authorized in another state or country to engage in the practice of land surveying, if such applicant meets the requirements of subdivisions (1), (2), (3) and (4), subsection (a) of this section.
3. Any applicant who has been engaged in the practice of land surveying in West Virginia for at least six years prior to the filing of such application, if such application for a
license is made within three years after the effective date of this article and if such person meets the requirements of subdivisions (1), (2), (3) and (4), subsection (a) of this section. Such applicant must also furnish the names and addresses of ten persons who have engaged such applicant as a land surveyor, together with satisfactory records of such land surveying work.

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

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

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

(f) A licensee who obtained his license under the provisions of subsection (b) (2) or subsection (b) (3) of this section may, in addition, apply for licensing under the provisions of subsection (a) of this section, if such licensee pays the fee otherwise required to be paid by other applicants and if such licensee meets the qualifications of subsection (a). Any applicant may apply for a separate license under subsections (a), (b) (2), or (b) (3), of this section upon the payment of the required fee for each license, and he may receive a license for each subsection for which such person makes application and is qualified. If any person fails to qualify for a license under any subsection of this section, such failure to qualify shall not
prevent such person's licensure under any other subsection of this section for which such person is otherwise qualified.

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

The following persons are exempt from regulation and licensing under the provisions of this article and any reasonable rules and regulations promulgated hereunder, and may engage in the practice of land surveying without a license issued under the provisions of this article and any such reasonable rules and regulations:

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

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

(c) Any employee of a person holding a license to engage in the practice of land surveying in this state or any employee of a person exempted from regulation and licensing under subdivisions (a) and (b) of this section: Provided, That the work of any such employee is done under the supervision of and certified by his employer;

(d) Any employee of a person, firm, association or corporation, when such employee is engaged in the practice of land surveying exclusively for the person, firm, association or corporation by which employed, or, if a corporation, its parents, affiliates or subsidiaries, and such person, firm, association or corporation does not hold himself or itself out to the public as being engaged in the business of land surveying;

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

No document prepared by or alleged to have been prepared by a land surveyor shall be filed by any clerk of a county court or accepted by any public official of this state unless the seal required by section eleven of this article has been affixed thereunto, except that any document prepared by a person exempted from the regulation and licensing requirements of this article, as provided in section seven of this article, shall not be required to have the seal required by section eleven of this article affixed thereto. Nothing in this section shall prevent a document prepared prior to the twenty-fifth day of May, one thousand nine hundred sixty-nine, from being recorded without such seal. If a seal of such exempt person is not affixed to said document, a certificate shall be placed thereon by the exempt person, stating upon what the exemption is claimed. Said certificate may be in a form similar to the following:

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

Signature"


When any land surveyor makes a property boundary survey as defined in section two of this article, he shall make a plat and description thereof, and shall furnish a copy thereof to the client or landowner. If the title to the land surveyed is conveyed, the plat shall be recorded simultaneously with the instrument conveying title, except when such plat has already been recorded and reference given in lieu of a second recording of said plat.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Darrel Darby  
Chairman Senate Committee

Charence T. Christian Jr.  
Chairman House Committee

Originated in the House.  
Takes effect ninety days from passage.

Howard W. Carson  
Clerk of the Senate

C. Blakenship  
Clerk of the House of Delegates

W. B. Barnwell  
President of the Senate

Gene T. M. Mann  
Speaker House of Delegates

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

Andrea Deane J.  
Governor
PRESENTED TO THE
GOVERNOR

Date 4/24/73
Time 2:34 p.m.

RECEIVED

MAR 3 2 1 P.M.

SECRETARY OF STATE
STATE OF WEST VIRGINIA