WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

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ENROLLED

SENATE BILL NO. 563

(By Senators Colombo, Whitacre)

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PASSED March 8, 1986
In Effect 90 days from Passage
AN ACT to amend and reenact sections three, five and six, article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to creation of board of examiners of land surveyors; appointment terms, removal, etc., of members; officers; meetings; compensation and expenses; powers and duties of board; funds, not part of general revenue; the licensing of land surveyors; qualifications of applicants for licenses; exceptions; applications; examinations; issuance of licence; notice of expiration; display; and fees for issuance and renewal.

Be it enacted by the Legislature of West Virginia:

That sections three, five and six, article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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.

(e) The board shall be terminated pursuant to the provisions of article ten, chapter four of this code on the first day of July, one thousand nine hundred ninety-two, unless sooner terminated or unless continued or reestablished pursuant to this article and chapter.
§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; and
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 application 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 seventy dollars.

(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 thirty dollars.

(f) A licensee who obtained his license under the provisions of subdivisions (2) and (3), subsection (b) 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 subsection (a), or subdivisions (2) or (3), subsection (b) 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
§30-13A-6. Issuance of license; notice of expiration; renewal; renewal fee; display.

Whenever the board finds that an applicant meets all of the requirements of this article for a license to engage in the practice of land surveying, it shall forthwith issue to him such license; and otherwise the board shall deny the same. All licenses, whether original or renewal, shall expire on the thirtieth day of June following the date of issuance or renewal. The secretary-treasurer of the board shall mail to every licensee, at least thirty days prior to the expiration of such license, notice of the expiration date and the amount of the renewal fee. A license may be renewed without examination upon application for a renewal on a form prescribed by the board and payment to the board of an annual renewal fee of thirty dollars. If a license is not renewed when due, the fee shall increase one dollar per month for each month or fraction thereof that such renewal fee is not paid, up to a maximum of thirty-six months. No license shall be renewed after expiration of said period of thirty-six months, and the fact that a license cannot be renewed because of the expiration of said period of thirty-six months shall not prevent such person from making application for a new license. The board may deny any application for renewal for any reason which would justify the denial of an original application for a license. The board shall prescribe the form of licenses and each such license shall be conspicuously displayed by the licensee at his principal place of practice. A duplicate license may be issued upon payment of a fee of five dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Floyd Fullen
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

S. C. Wilke
Clerk of the Senate

Donald A. Kopp
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 25th day of March, 1986.

[Signature]
Governor