

No. 563

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 563

(By Senators Colombo, Whitacre)



PASSED March 8, 1986

In Effect 90 days from Passage



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**Senate Bill No. 563**

(BY SENATORS COLOMBO AND WHITACRE)

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[Passed March 8, 1986; in effect ninety days from passage.]

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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.**

1 (a) There is hereby created the state board of examiners

2 of land surveyors which shall be composed of three  
3 members appointed by the governor by and with the advice  
4 and consent of the Senate. Each member shall have been  
5 actively engaged in the practice of land surveying for at  
6 least ten years and shall be the holder of a license under the  
7 provisions of this article.

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

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

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

38 (e). The board shall be terminated pursuant to the  
39 provisions of article ten, chapter four of this code on the  
40 first day of July, one thousand nine hundred ninety-two,  
41 unless sooner terminated or unless continued or  
42 reestablished pursuant to this article and chapter.

**§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 of  
2 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  
6 year 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  
11 person eligible for a license hereunder, or a person  
12 authorized in another state or country to engage in the  
13 practice of land surveying; and each year of satisfactory  
14 study in an accredited surveying curriculum may be  
15 substituted for one year of experience, but only two years of  
16 such experience requirement may be fulfilled by such  
17 study; and
  - 18 (6) Have passed the examination prescribed by the  
19 board, which examination shall cover the basic subject  
20 matter of land surveying and land surveying skills and  
21 techniques.
- 22 (b) The following persons shall be eligible for a license  
23 to engage in the practice of land surveying without  
24 examination:
- 25 (1) Any applicant who is licensed, certificated or  
26 registered to engage in the practice of land surveying in any  
27 other state or country, if the requirements to obtain a  
28 license or certificate or to become registered in such other  
29 state or country are found by the board to be at least as great  
30 as those prescribed in this article;
  - 31 (2) Any applicant who is a graduate of an accredited  
32 surveying curriculum and has at least two years of  
33 experience in the practice of land surveying under the  
34 supervision of a licensee, or a person eligible for a license  
35 hereunder, or a person authorized in another state or  
36 country to engage in the practice of land surveying, if such  
37 applicant meets the requirements of subdivisions (1), (2), (3)  
38 and (4), subsection (a) of this section; and
  - 39 (3) Any applicant who has been engaged in the practice  
40 of land surveying in West Virginia for at least six years prior

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

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

59 (d) An applicant shall pay to the board with his  
60 application a license fee of seventy dollars.

61 (e) Examinations shall be held at least once each year at  
62 such time and place as the board shall determine. The scope  
63 of the examination and methods of procedure shall be  
64 determined by the board. An applicant who fails to pass an  
65 examination may reapply at any time and shall furnish  
66 additional information as requested by the board. Each  
67 such application shall be accompanied by a license fee of  
68 thirty dollars.

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

83 under any other subsection of this section for which such  
84 person is otherwise qualified.

**§30-13A-6. Issuance of license; notice of expiration; renewal;  
renewal fee; display.**

1 Whenever the board finds that an applicant meets all of  
2 the requirements of this article for a license to engage in the  
3 practice of land surveying, it shall forthwith issue to him  
4 such license; and otherwise the board shall deny the same.  
5 All licenses, whether original or renewal, shall expire on the  
6 thirtieth day of June following the date of issuance or  
7 renewal. The secretary-treasurer of the board shall mail to  
8 every licensee, at least thirty days prior to the expiration of  
9 such license, notice of the expiration date and the amount of  
10 the renewal fee. A license may be renewed without  
11 examination upon application for a renewal on a form  
12 prescribed by the board and payment to the board of an  
13 annual renewal fee of thirty dollars. If a license is not  
14 renewed when due, the fee shall increase one dollar per  
15 month for each month or fraction thereof that such renewal  
16 fee is not paid, up to a maximum of thirty-six months. No  
17 license shall be renewed after expiration of said period of  
18 thirty-six months, and the fact that a license cannot be  
19 renewed because of the expiration of said period of thirty-  
20 six months shall not prevent such person from making  
21 application for a new license. The board may deny any  
22 application for renewal for any reason which would justify  
23 the denial of an original application for a license. The board  
24 shall prescribe the form of licenses and each such license  
25 shall be conspicuously displayed by the licensee at his  
26 principal place of practice. A duplicate license may be  
27 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 Fulbr*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Irvid C. St. John*  
.....  
Clerk of the Senate

*Donald G. Kepp*  
.....  
Clerk of the House of Delegates

*Ben T. ...*  
.....  
President of the Senate

*Joseph P. Allright*  
.....  
Speaker House of Delegates

The within *approved* this the *25<sup>th</sup>*  
*March*  
day of ..... 1986.

*Arch A. Moore Jr.*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/20/86

Time 4:03 p.m.

RECEIVED  
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WEST VIRGINIA

THIS DATE 3/26/86