WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED
Committee Substitute for
SENATE BILL NO. 364

(By Senators Sharp & Poss)

PASSED MARCH 11, 1995
In Effect JULY 1, 1995
AN ACT to amend and reenact sections one, two, four, five, seven and twelve, article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section eighteen, all relating to requiring surveying firms to maintain a licensee on their company staff; exemptions to examination requirements; and establishing minimum technical criteria to govern the performance of surveyors when more stringent specifications are not required by other agencies.

Be it enacted by the Legislature of West Virginia:
That sections one, two, four, 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 eighteen, all to read as follows:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 13A. LAND SURVEYORS.

§30-13A-1. License required.

In order to provide for the regulation of land surveying in this state, no person shall engage in, offer to engage in, or hold himself out to the public as being engaged in, the practice of land surveying in this state (except for the persons exempted under the provisions of section seven of this article), unless and until he shall first obtain a license to engage in the practice of land surveying in accordance with the provisions of this article, which license remains unexpired, unsuspended and unrevoked.

Any firm, association, partnership or corporation offering surveying services or advertising as offering land surveying services must maintain a licensee on their company staff by means of ownership interest or full-time employee of the company.


Unless the context in which used clearly requires a different meaning, as used in this article:

(a) "Applicant" means any person making application for an original or renewal license under the provisions of this article;

(b) "Licensee" means any person holding a license issued under the provisions of this article;

(c) "Board" means the West Virginia state board of examiners of land surveyors created under the provisions of this article;
(d) "Practice of land surveying" means the rendering or offering to render for a fee, salary or other compensation, monetary or otherwise, for the public generally, any of the following services:

(1) The location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or of any road or utility right-of-way, easement or alignment;

(2) The performance of any survey for the division, subdivision or resubdivision of any tract of land;

(3) The determination of the position of any monument or reference point which marks a property line boundary or corner, or setting, resetting or replacing any such monument or reference point, by the use of the principles of land surveying;

(4) The determination of the configuration or contour of the earth's surface or the position of fixed objects thereon or related thereto, by means of measuring lines and angles, whether directly, indirectly, by conventional methods or GPS, and applying the principles of mathematics;

(5) The performance of cadastral surveying, underground surveying, surface mine surveying or hydrographic surveying;

(6) The preparation of subdivision maps; and

(7) The preparation of maps or drawings showing any of the above;

(e) "Professional surveyor" means any person who engages in the practice of land surveying;

(f) "Direct supervision" means the responsible licensee shall be in direct control of all field and office operations, including research, evaluation of all data and decisions relative to the final output data/material, i.e. plats, plans, descriptions, etc. that could affect the
45 general public;
46 (g) "Global positioning system (GPS)" means any
47 measurement of elevations or positions either absolute or
48 relative which utilizes the observation of artificial
49 satellites;
50 (h) "Mortgage/loan inspection survey" means a survey
51 in which property lines and corners have not been
52 established.

§30-13A-4. Powers and duties of board; funds.
1 (a) The board shall have the power and duty to:
2 (1) Examine applicants and determine their eligibility
3 for a license to engage in the practice of land surveying;
4 (2) Prepare, conduct and grade an apt and proper
5 written, oral or written and oral examination of appli-
6 cants for a license and determine the satisfactory passing
7 score thereon;
8 (3) Promulgate reasonable rules implementing the
9 provisions of this article and the powers and duties
10 conferred upon the board hereby, all of which reasonable
11 rules shall be promulgated in accordance with the
12 provisions of article three, chapter twenty-nine-a of this
13 code;
14 (4) Issue, renew, deny, suspend or revoke licenses to
15 engage in the practice of land surveying in accordance
16 with the provisions of this article;
17 (5) Investigate alleged violations of the provisions of
18 this article, reasonable rules promulgated hereunder and
19 orders and final decisions of the board and take appro-
20 priate disciplinary action against any licensee for the
21 violation thereof or institute appropriate legal action for
22 the enforcement of the provisions of this article, reason-
23 able rules promulgated hereunder and orders and final
24 decisions of the board or take such disciplinary action
25 and institute such legal action;
(6) Keep accurate and complete records of its proceedings, certify the same as may be appropriate and prepare, from time to time, a list showing the names and addresses of all licensees;

(7) Take such other action as may be reasonably necessary or appropriate to effectuate the provisions of this article; and

(8) Establish standards to evaluate surveying curricula as it relates to the practice of land surveying under the provisions of this article and to determine the amount of experience required under section five of this article which may be substituted for a particular curriculum.

(b) All moneys paid to the board shall be accepted by a person designated by the board and deposited by him with the treasurer of the state and credited to an account to be known as the "board of examiners of land surveyors fund". All of the reasonable compensation of the members of the board, the reimbursement of all reasonable and necessary expenses actually incurred by such members and all other costs and expenses incurred by the board in the administration of this article shall be paid from such fund, and no part of the state's general revenue fund shall be expended for this purpose.

§30-13A-5. Qualifications of applicants for licenses; surveyor-in-training 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) On and after the first day of July, one thousand nine
hundred ninety-five, six years or more of experience under the direct supervision of a licensee or a person authorized in another state or country to engage in the practice of land surveying shall be required by those applicants who are graduates of a surveying curriculum of two scholastic years or more. Eight years of experience under the supervision of a person authorized to practice land surveying in this state, or a person authorized in another state or country to engage in the practice of land surveying, shall be required for those applicants who are not graduates of a surveying curriculum; 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) 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 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 prescribe.

(c) An applicant shall pay to the board with his application an examination fee for the purpose of covering the cost of the examination as determined by the board by rule.

(d) 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 all or any part of an examination may reapply at any time and shall furnish additional information as requested by the board. The cost of reexamination will
be based on the cost of the examination as determined by
the board by rule.

(e) The board shall offer a surveyor-in-training (SIT)
examination to applicants who meet the requirements of
subdivisions (1), (2), (3) and (4), subsection (a) of this
section, and are graduates of a surveying curriculum of
two or more years which has been approved by the board
of examiners of land surveyors. The examination shall
include an eight-hour portion of fundamentals in sci-
ence, mathematics and surveying. Applicants must pass
the other portions of the surveyor-in-training examina-
tion and complete the work experience and other re-
quirements of this section before they are allowed to
take the second eight-hour examination which consists
of principles and practices.

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

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

(a) Any professional engineer authorized to practice
the profession of engineering as provided in article
thirteen of this chapter may apply within one year after
the effective date of this section and if such person meets
the requirements of subdivisions (1), (2), (3) and (4),
subsection (a), section five of this article, he or she is
eligible for a license without examination. Any appli-
cant for any such license shall submit an application and
proof of surveying experience as specified in said sec-
tion;

(b) Any employee of a proprietorship, partnership,
association, corporation or other business entity which
is engaged in the practice of land surveying in this state:

Provided, That the work of any such employee is done
under the supervision of and certified by a licensed employee of the proprietorship, partnership, association, corporation or other business entity;

(c) 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;

(d) 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 plat, document, plan, map, drawing, exhibit, sketch or pictorial representation intended to be used in the transfer of real property shall be filed by any clerk of a county commission or accepted by any public official of this state unless the seal required by section eleven of this article has been affixed thereto, except that any document, plan, map, drawing, exhibit, sketch or pictorial representation, 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. If a document, plan, plat, map, drawing, exhibit, sketch or pictorial representation has been altered from its original form, it shall not be filed by any clerk of a county or accepted by any public official of this state. 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, plan, plat, map, drawing, exhibit, sketch or pictorial represen-
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"


The purpose of these standards is to establish minimum technical criteria to govern the performance of surveyors when more stringent specifications are not required by other agencies, contract, etc. Further, the purpose is to protect the inhabitants of this state from dishonest or incompetent surveying, and generally to protect the public welfare.

(a) The client discussion prior to the survey should cover the purpose of survey, scope of services, disputes with adjoiners, fees and contract.

(b) The record search should include the record description based on current and prior deeds, conveyance from common grantor, or if necessary original survey or grant. It should also include descriptions of adjoining properties, other sources of information or resolution of conflicts in descriptions. All records of information sources used will be retained as a permanent record.

(c) The field survey will consist of a field search for controlling evidence, a discussion of evidence with the owner, adjoiners or others having knowledge of the boundaries and the location of evidence by traverse methods. The surveyor will use methods and equipment suitable for the purpose of the survey and the field notes will be retained as a permanent record.
(d) Distance will be measured in feet or meters, or fractions thereof, and angles will be measured in degrees or parts thereof. These will be measured to a precision that will produce the desired level of accuracy. Areas will be measured to a precision consistent with the purpose of the survey. All measuring devices will be checked periodically for accuracy and condition.

(e) Monumentation is required for all new or reestablished corners, or reference monument for inaccessible corners, and is encouraged at intervisible points between corners. Artificial or set monuments will be made of durable ferrous material and set firmly in the ground. Pipes will have a minimum inside diameter of one inch, while rebars will have a minimum outside diameter of one-half inch and both will have a minimum length of thirty inches. Other markers shall have a minimum cross-sectional area of three-tenths square inch and will be of durable material, identifiable and unique. Natural objects chosen for corners shall be durable, unique and easily identifiable.

(f) A plat will be prepared for all boundary surveys, shall show the results of the field survey and will be delivered to the client. Plats will be to a scale large enough to show significant details. Information on plats will include when applicable north arrows and basis of bearings, date of survey, measured length and direction of each boundary line by distance, bearing and quadrant and evidence of possession on or near the property line.

The description of all corners or reference monuments, and whether found (fd) or set, area of the parcel and of significant parts, including streets, alleys and nonlotted area of subdivision, state, county and district or municipality will be shown on the plat. The subdivision name, lot, block and plat reference will also be shown on subdivision or lot surveys.

The tax map, parcel number, name of current and/or past owners for subject property and adjoiners, current
conveyance reference for subject property and adjoiners will be shown. Name, address, license number, signature, seal of surveyor, overlaps and gaps in record lines, former deed or grant lines as needed, ties to significant objects and general location information will also be included.

(g) A description will be prepared for each boundary survey and will include the state, county, district or municipality and watershed or topographic location. Lot and block numbers will be shown for new platted subdivisions, but retracement surveys for lots and other surveys will require a metes and bounds description. The description will also include the point of beginning, the description of monumentation at each corner and objects encountered along the line, the length and direction of each line, and the radius, chord bearing and distance of a curved boundary.

The description will also show the intent with regard to adjoiner, physical evidence or record monument along the line. The area of the parcel, reference to plat and surveyor preparing description and the reference to conveyance by which the current owner claims title, including grantor, grantee, date and place.

(h) The report of survey will be used when the plat and description do not adequately address all matters considered by the surveyor in performing the survey and will be provided to the client with a plat and description.

The report will include all unusual circumstances surrounding the survey, weight given to conflicting evidence and encroachments, overlaps or gaps and how they were resolved, and the names of adjoiners contacted and the information they supplied.

(i) A mortgage/loan inspection survey in which boundaries on a property have not been surveyed in accordance with the methods set forth by the board, then the plat must be stamped "a mortgage inspection survey only, not
a boundary survey". The surveyor must notify a land-
owner or other person commissioning their services if a
survey or an inspection was performed.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1995.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 24th day of March, 1995.

Governor