

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

House Bill 4721

BY DELEGATE COOPER

[Passed March 8, 2024; in effect ninety days from
passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 26 P 2:30

FILED

HB 4721

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1 AN ACT to amend and reenact §30-13A-10 of the Code of West Virginia, 1931, as amended,
2 relating to requiring land surveyors to offer to record maps or plats of measured parcels
3 of land made by the surveyor for a reasonable fee.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13A. LAND SURVEYORS.

§30-13A-10. Scope of Practice.

1 (a) A licensee may measure a parcel of land and ascertain its boundaries, corners and
2 contents or make any other authoritative measurements and, in the case of measuring a parcel
3 of land, the licensee shall offer to record the map or plat of the measurements of the survey, for
4 a reasonable fee, for the client, in the office of the clerk of the county commission of the county
5 in which the land is located. The practice of surveying can be any of the following, but not limited
6 to:

7 (1) The performance of a boundary, cadastral, construction, geodetic control,
8 hydrographic, land, mortgage/loan inspection, oil or gas well, partition, photogrammetry,
9 retracement, subdivision or surface mine survey; or

10 (2) The location, relocation, establishment, reestablishment, laying out or retracement of
11 any property line or boundary of any parcel of land or of any road or utility right-of-way, easement,
12 strip or alignment or elevation of any fixed works by a licensed surveyor.

13 (b) Activities that must be performed under the responsible charge of a professional
14 surveyor, unless specifically exempted in subsection (c) of this section, include, but are not limited
15 to, the following:

16 (1) The creation of maps and georeferenced databases representing authoritative
17 locations for boundaries, the location of fixed works, or topography;

18 (2) Maps and georeferenced databases prepared by any person, firm, or government
19 agency where that data is provided to the public as a survey product;

20 (3) Original data acquisition, or the resolution of conflicts between multiple data sources,
21 when used for the authoritative location of features within the following data themes: Geodetic
22 control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries,
23 and cadastral information;

24 (4) Certification of positional accuracy of maps or measured survey data;

25 (5) Adjustment or authoritative interpretation of raw survey data;

26 (6) Geographic Information System (GIS) - based parcel or cadastral mapping used for
27 authoritative boundary definition purposes wherein land title or development rights for individual
28 parcels are, or may be, affected;

29 (7) Authoritative interpretation of maps, deeds, or other land title documents to resolve
30 conflicting data elements;

31 (8) Acquisition of field data required to authoritatively position fixed works or cadastral data
32 relative to geodetic control; and

33 (9) Analysis, adjustment or transformation of cadastral data of the parcel layer(s) with
34 respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy.

35 (c) The following items are not included as activities within the practice of surveying:

36 (1) The creation of general maps:

37 (A) Prepared by private firms or government agencies for use as guides to motorists,
38 boaters, aviators, or pedestrians;

39 (B) Prepared for publication in a gazetteer or atlas as an educational tool or reference
40 publication;

41 (C) Prepared for or by education institutions for use in the curriculum of any course of
42 study;

43 (D) Produced by any electronic or print media firm as an illustrative guide to the geographic
44 location of any event; or

45 (E) Prepared by laypersons for conversational or illustrative purposes. This includes
46 advertising material and users guides.

47 (2) The transcription of previously georeferenced data into a GIS or LIS by manual or
48 electronic means, and the maintenance thereof, provided the data are clearly not intended to
49 indicate the authoritative location of property boundaries, the precise definition of the shape or
50 contour of the earth, and/or the precise location of fixed works of humans.

51 (3) The transcription of public record data, without modification except for graphical
52 purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or
53 electronic means, and the maintenance of that cadastre, provided the data are clearly not
54 intended to authoritatively represent property boundaries. This includes tax maps and zoning
55 maps.

56 (4) The preparation of any document by any federal government agency that does not
57 define real property boundaries. This includes civilian and military versions of quadrangle
58 topographic maps, military maps, satellite imagery, and other such documents.

59 (5) The incorporation or use of documents or databases prepared by any federal agency
60 into a GIS/LIS, including but not limited to federal census and demographic data, quadrangle
61 topographic maps, and military maps.

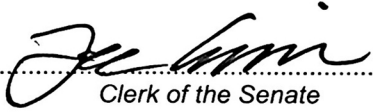
62 (6) Inventory maps and databases created by any organization, in either hard-copy or
63 electronic form, of physical features, facilities, or infrastructure that are wholly contained within
64 properties to which they have rights or for which they have management responsibility. The
65 distribution of these maps and/or databases outside the organization must contain appropriate
66 metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and
67 date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a
68 survey product.

69 (7) Maps and databases depicting the distribution of natural resources or phenomena
70 prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists,
71 historians, or other persons qualified to document such data.

72 (8) Maps and georeferenced databases depicting physical features and events prepared
73 by any government agency where the access to that data is restricted by statute. This includes
74 georeferenced data generated by law enforcement agencies involving crime statistics and
75 criminal activities.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.


.....
Clerk of the House of Delegates


.....
Clerk of the Senate

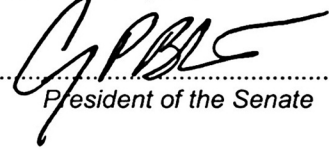
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the House of Delegates.

In effect ninety days from passage.


.....
Speaker of the House of Delegates


.....
President of the Senate

The within is approved this the 26th
Day of March 2024.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2024

Time 10:42am