

KSC, TITLE 11. LAND & ENVIRONMENT

Chapter 3. Land Surveyors

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Section 11.301. Meaning.

A person practices land surveying when, in a public or private capacity, he:

- (1) locates, relocates, establishes, re-establishes, or retraces a property line or boundary of a parcel of land or a road, right-of-way, easement, or reserve;
- (2) makes a survey for the subdivision or re-subdivision of a tract of land;
- (3) determines the position of a monument or reference point which marks a property line, boundary or corner, and sets, resets or replaces the monument or reference point by use of the principles of land surveying;
- (4) determines 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, and applying the principles of trigonometry;
- (5) practices geodetic or cadastral surveying;
- (6) determines the information shown or to be shown on a map or document prepared or furnished in relation to the functions stated in subsections 1 through 5;
- (7) in any capacity or in any manner, indicates, by the use of the title "land surveyor," or by another title or representation that he practices or offers to practice land surveying;
- (8) procures or offers to procure, land surveying work for himself or another; or
- (9) manages, or conducts as a manager, proprietor, or agent, a place of business at which land surveying work is the solicitation, performance or practice of land surveying work occurs.

Section 11.302. Application.

This chapter applies only to:

(1) a survey of the boundaries of land, or surveys for the purpose of the establishment, re-establishment or determination of an interest in land; or

(2) an activity performed in relation to the practice of land surveying.

Section 11.303. Apprentices.

A registered land surveyor who has a trainee, apprentice or cadet surveyor allows him a reasonable time for the purpose of attending lectures or gaining practical experience included in the course of traineeship, apprenticeship or cadetship by arrangement with the surveyor.

Section 11.304. Registration.

In consultation with the Land Commission (*Court*) and the Department of Agriculture, Land and Fisheries, the Governor certifies a person as land surveyor following oral, written and practical examination and a finding of qualification of the applicant by a qualified land surveyor appointed by the Governor. (*changes effective October 1, 2001 by State Law 7-126*)

Background

Amended by State Law 7-1.

Section 11.305. Qualifications.

A person is eligible for registration as a land surveyor, if he is:

- (1) a resident of the State;
- (2) at least twenty-one years of age;
- (3) of good character and repute; and
- (4) otherwise qualified as provided by this chapter.

Section 11.306. Training; experience.

(1) The following constitute minimum satisfactory evidence of a candidate's professional qualifications:

(a) graduation from a university, college, institute or school of satisfactory standing, including the completion of an approved course in surveying, with an additional two years or more of experience in land surveying of a satisfactory character, indicating that the applicant is competent to practice land surveying and passing the certification examination; or

(b) eight years of lawful land surveying practice of a satisfactory character, indicating the candidate's competence to practice land surveying, and passage of examinations pursuant to [Section 11.310](#), if the candidate is not less than thirty-three years of age and the eight years or more of lawful practice in land surveying work was gained before the Code takes effect.

(2) In the consideration of the experience qualification of an applicant:

(a) Teaching of land surveying in an approved curriculum in a university, college, or school of satisfactory standing may rate as experience.

(b) Experience and training in the armed services of the United States in civil engineering or land surveying may rate as experience.

(c) The satisfactory completion of a year of approved curriculum in a school or college of satisfactory standing without graduation is equivalent to a year of experience. Graduation in a

curriculum other than land surveying from a college or university of recognized standing may rate as equivalent to two years of experience for a total of no more than four years of [experience] because of undergraduate educational qualifications.

Section 11.307. Reciprocity.

(1) Upon receipt of an application and payment of the fees required by [Sections 11.309](#) and [11.311](#) the Governor may issue a certificate of registration to a land surveyor, requiring compliance with [Section 11.310](#), to a person who holds a current valid certificate of registration, or its equivalent, issued by a State, territory or possession of the United States, or of another jurisdiction, if the applicant is qualified pursuant to this chapter.

(2) The Governor may enter into a reciprocal arrangement with a surveyor's registration board or other competent authority of a jurisdiction:

(a) for the registration in the State of a person authorized by the authority to practice as a land surveyor; and

(b) for the examination of a candidate who has served as an apprentice to a registered land surveyor in that jurisdiction and who has registered his articles with the Governor.

Section 11.308. Application.

(1) An application for registration is on a form prescribed and furnished by the Governor which:

(a) designates the registration applied for;

(b) shows the applicant's education and a detailed summary of his technical work;

(c) furnishes five references, at least three of which concern the applicant's technical work; and

(d) sets forth other information as the Governor may require.

(2) A nonrefundable application fee of ten dollars accompanies the application.

Section 11.309. Examination.

(1) A candidate undergoes an oral, written and practical examination at a time and place determined by the Governor.

(2) An examination determines the candidate's ability to practice land surveying and includes the subjects of professional ethics, the provisions of this chapter, and the procedure and rules governing the survey of public lands stated in the Manual of Surveying Instruction, published by the Bureau of Land Management, United States Department of the Interior and the Manual of the Trust Territory Division of Lands and Surveys, if appropriate.

Section 11.310. Certificate of registration.

(1) The Governor issues a certificate of registration authorizing the practice of land surveying to a person, who, having paid the application and registration fee, has satisfactorily met the requirements of this chapter. A certificate shows the full name of the applicant, has a serial number, and bears the signature and seal of the Governor.

(2) A certificate is prima facie evidence that the person named therein is a registered land

surveyor entitled to all the rights and privileges of a land surveyor while the certificate remains in effect.

Section 11.311. Expiration; renewal.

(1) A certificate of registration expires on December thirty first, subject to renewal.

(2) No later than December first of each year the Governor notifies a registered land surveyor of the date of expiration of his certificate of registration and the amount of the fee required for its renewal for one year. Renewal may occur at any time during the month of December by payment of a renewal fee of five dollars.

(3) Failure of a land surveyor to renew a certificate in a timely manner does not deprive him of the right of renewal. The renewal fee increases by one dollar for each month or fraction of a month after December thirty first. The maximum fee for delayed renewal is ten dollars. The Governor's failure to notify a person of the date of the expiration of his certificate, or the amount of the renewal fee does not extend the duration of the certificate of registration.

Section 11.312. Seal.

(1) Upon receipt of a certificate of registration the registrant obtains a seal of a design authorized by the Governor which: (1) bears the registrant's name and the legend "registered land surveyor," and (2) provides space for stating the serial number and date of expiration of the certificate of registration.

(2) A plan, plat, report, or specifications prepared by a registered land surveyor and filed with the Government during the term of registration bear the seal, showing the serial number and date of expiration of the certificate of registration.

Section 11.313. Suspension; revocation.

(1) The Governor has the power and duty to investigate a violation of this chapter and may suspend or revoke a certificate of registration if the registrant:

(a) is practicing in violation of this chapter;

(b) has obtained a certificate by fraud or misrepresentation;

(c) has obtained a certificate by bribery or payment of money except a fee prescribed by this chapter;

(d) is falsely impersonating a practitioner or former practitioner or is practicing under an assumed or factitious name;

(e) is under conviction of an offense arising from, or in connection with, the practice of land surveying, or an offense involving moral turpitude, in which case a certified copy of the record of conviction is conclusive evidence of the conviction;

(f) has violated a provision of this chapter;

(g) has aided and abetted in the practice of land surveying a person not duly authorized to practice land surveying, except as stated in [Section 11.317\(3\)](#);

(h) has been guilty of fraud or deceit, or of gross negligence, incompetence, misconduct in the practice of land surveying; or

(i) has permitted his seal to be affixed to a plan, or drawing, or specification which he did not prepare or which he did not have prepared under his personal supervision or by his employee or subordinate.

(2) A person may initiate a proceeding for suspension or revocation by filing with the Governor a complaint in writing and on oath. Unless he first dismisses it as unfounded or trivial, the Governor hears a complaint within three months of its filing. The Governor sets a time and place for the hearing, serving a copy of the complaint with a notice of the time and place of hearing upon the respondent or mails it to his last known address at least thirty days before the date of the hearing. At the hearing the respondent has the right to appear personally, to have counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

Section 11.314. Reissuance of certificate.

(1) On grounds which he finds sufficient the Governor may reissue a certificate of registration to a person whose certificate he has revoked.

(2) Subject to regulation the Governor may issue a new certificate of registration to a person whose certificate he has revoked, or whose certificate has been lost, destroyed, or mutilated, upon payment of a fee of ten dollars.

Section 11.315. Corporate or group practice.

(1) An employee of a proprietorship, partnership, or corporation engaged in construction, manufacturing, transportation, distribution, or communications to the extent that its operations involves land surveying, may practice land surveying under the supervision of a land surveyor in responsible charge, registered pursuant to this chapter.

(2) The practice or offer to practice land surveying for the public, by an individual registered pursuant to this chapter through a corporation as an officer, employee or agent, is lawful, if the Individual who acts on the corporation's behalf as a land [surveyor] in responsible charge is registered pursuant to this chapter, or is a person lawfully practicing pursuant to [Section 11.317](#), the president and majority of the officers and directors of a corporation practicing land surveying are registered land surveyors, and the corporation has a certificate of authorization issued by the Governor.

(3) A corporation desiring a certificate of authorization files with the Governor an application, using a form provided by the Governor, listing the names and addresses of all officers and board members of the corporation, the individual duly registered to practice land surveying who are in responsible charge, and other information required by the Governor. The same form and information accompanies the annual renewal fee. If there is a change in personnel during the year, the change appears on the form for filing with the Governor within thirty days after the effective date of a change. If there is compliance with this section, the Governor may issue a certificate of authorization to the corporation.

(4) A corporation authorized to practice land surveying pursuant to this chapter retains responsibility for the conduct or act of an agent, employee, or office by reason of its compliance with this section. A person practicing land surveying retains responsibility for services performed by reason of his employment or relationship with a corporation. A final drawing, specification, plan, report, or other paper or document involving the practice of land surveying prepared or approved for the use of a corporation, for delivery by it to a person, or for public record, bears the date and the signature and seal of the land surveyor who prepared or approved it.

Section 11.316. Exemptions.

This chapter does not apply to:

(1) a person not a resident of, and having no established place of business in the State who practices, or offers to practice, land surveying in the State when the practice does not extend in aggregate for more than thirty days a year, if the person is registered to practice in his place of residence and if the requirements and qualifications for obtaining a certificate of registration there are not less stringent than those stated in this chapter;

(2) a person who is not a resident of, and has no established place of business in the State, or who has recently become a resident of the State, and who practices or offers to practice land surveying in the State for more than thirty days in a year, if he has filed an application for a certificate or registration with the Governor and has paid the required fee, may practice only for that period of time which the Governor requires for the consideration of the application for registration, which the Governor approves, if the person is legally qualified to practice the profession in the state or territory of his residence where the requirements or qualifications for obtaining a certificate are no less stringent than those specified in this chapter;

(3) an employee or subordinate of a person holding a certificate of registration pursuant to this chapter or an employee or a person exempted from registration by subsection 1 or 2, if the work of the employee or subordinate does not include final designs or decisions and is under the direct responsibility and supervision of a person holding a certificate of registration pursuant to this chapter or a person exempted from registration by subsection 1 or 2.

(4) officers, employees or members of the armed forces of the United States, as long as their practice of land surveying is limited to that work specifically authorized by the armed forces;

(5) the practice of a legally recognized profession other than that of land surveyor.

Section 11.317. Register.

(1) The Governor records in a register of land surveyors showing the name, and address, and qualifications of a registered land surveyor. The Governor signs an entry in the register. A copy of an entry in the register, purporting to be certified by the Governor as a true copy, is prima facie evidence that the person named in the entry is a registered land surveyor.

(2) The register of land surveyors is open to public inspection upon payment of a fee of one dollar.

(3) The Governor makes an alteration of the register as is necessary to maintain the register as an accurate record.