

## YSC, Title 22. Business & Professions

### Chapter 5. Land Surveyors Registration

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##### **§501. Short title.**

This chapter may be cited as the "Land Surveyors Registration Act".

**Source:** YSL 1-199 §1, modified.

##### **§502. Purpose.**

The purpose of this chapter is to provide for the establishment of a Yap State Board to accomplish the professional registration of land surveyors so that land surveys and maps for public record purposes may be attested by the registered surveyor who performed or supervised the work.

**Source:** YSL 1-199 §2, modified.

##### **§503. Practice of land surveying defined.**

The practice of land surveying means a person who practices surveying within the meaning of this chapter, either in a public or private capacity, and who does, or offers to do, any or more of the following:

- (a) Locates, relocates, establishes, re-establishes, or retraces any property line or boundary of any parcel of land or any road, right-of-way, easement, reserve, etc.
- (b) Makes any survey for the subdivision or re-subdivision of any tract of land.
- (c) By the use of the principles of land surveying, determines the position for any monument or reference point which marks a property line, boundary or corner, and sets, resets or replaces any such monument or reference point.
- (d) 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.

(e) Practices geodetic or cadastral surveying.

(f) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subsection (a) through (e) of this section.

(g) Indicates, in any capacity or in any manner, by the use of the title "land surveyor", or by any other title or representation, that he practices or offers to practice land surveying in any of its branches.

(h) Procures or offers to procure land surveying work for himself or others.

(i) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced.

**Source:** YSL 1-199 §3, modified.

#### **§504. Application of chapter.**

This chapter applies only to:

(a) Surveys of the boundaries of land, or surveys for the purpose of the establishment, re-establishment or determination of titles to land; and

(b) Any activity performed in relation to the practice of land surveying as defined in section 503 of this chapter.

**Source:** YSL 1-199 §4, modified.

**Cross-reference:** Section 503 of this chapter is on the definition of the practice of land surveying.

#### **§505. Duties of State Surveyor.**

The State Surveyor is charged with supervision under the general administration by the Chief of Lands and Surveys of this chapter.

**Source:** YSL 1-199 §5, modified.

#### **§506. Disposition of fees.**

All fees received pursuant to this chapter shall be deposited into the General Fund of the State of Yap.

**Source:** YSL 1-199 §6, modified.

**Cross-reference:** The statutory provision on the General Fund of the State of Yap is found in [section 1211 of Title 13 \(Taxation and Finance\)](#) of this Code.

#### **§507. Prohibited practices.**

(a) It shall be a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00, or imprisonment for not more than six months, or both, for any person to:

(1) Practice or offer to practice, or hold himself out as entitled, to practice, land surveying except when authorized by this chapter;

(2) Use or attempt to use a certificate of registration that has expired or has been suspended or revoked;

(3) Present, or use as his own, the certificate of registration of another;

(4) Stamp or seal any document with the seal of a registrant after the certificate of the registrant has expired or has been suspended or revoked; or

(5) Otherwise violate any provision of this chapter.

(b) It shall be a felony punishable by a fine of not more than \$1,000.00, or imprisonment for less than three years, or both, for any person to present any false or forged information or evidence applying for registration under this chapter.

(c) In addition to any other remedy provided by law, upon request of the Board an action may be filed in the name of the Government of Yap State to restrain or enjoin the commission or continuance of any acts in violation of this chapter. In any such proceeding it shall be unnecessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if the relief requested were not granted.

**Source:** YSL 1-199 §7, modified.

**Cross-reference:** The statutory provision on violation of business license provisions is found in [section 804 of Title 11 \(Crimes and Punishment\)](#) of this Code.

## Subchapter II: Board of Land Surveyor Examiners

**§521.** Board of Land Surveyor Examiners.

**§522.** Removal of members; vacancies.

**§523.** Clerical and logistic support by Division of Lands and Surveys.

**§524.** Promulgation of rules and regulations.

**§525.** Meetings; quorum.

**§526.** Records; list of registered surveyors.

### **§521. Board of Land Surveyor Examiners.**

There is hereby created a Board of Land Surveyor Examiners which shall consist of the Chief of Lands and Surveys or his designee, who shall be chairman; one official member, being the state surveyor, and three additional members who are citizens of the State of Yap, appointed by the Governor. The appointed members shall have at least six years of active experience in public land matters, be of recognized good standing in their profession of either land surveying or civil engineering, and be at least 30 years of age; provided, that three members of the five aforementioned members first serving on the Board shall receive a certificate of registration as a land surveyor and without payment of fees of any kind.

**Source:** YSL 1-199 §8, modified.

**Cross-reference:** The provisions on the Department of Resources and Development and its subdivisions are found in section 125 of Title 3 (The Executive) of this Code.

**Commission Comment:** Section 7 of YSL 2-37, amended the names of the divisions of the Department of Resources and Development. The name of the former Division of Lands and Surveys was changed to the Division of Land Resources.

### **§522. Removal of members; vacancies.**

The Governor may remove any member of the Board for misconduct, incompetency, neglect of duty,

or for any other sufficient cause. Vacancies in the membership of the Board shall be filled by appointment by the Governor as provided in section 521 of this chapter.

**Source:** YSL 1-199 §9, modified.

**Cross-reference:** The statutory provisions on the Executive are found in Title 3 of this Code.

### **§523. Clerical and logistic support by Division of Lands and Surveys.**

The Chief of Lands and Surveys shall provide the Board with necessary clerical personnel, office facilities, and other logistic support.

**Source:** YSL 1-199 §10.

**Commission Comment:** The division referred to in the title of this section is under the Department of Resources and Development, Section 125 of Title 3 (The Executive) of this Code. The division name has been changed to the Division of Land Resources by YSL 2-37, Section 7.

### **§524. Promulgation of rules and regulations.**

(a) The Board is hereby authorized to make rules and regulations needed in performing its duties not inconsistent with law.

(b) Such rules and regulations shall be:

- (1) Subject to approval by the Governor;
- (2) Issued by administrative order; and
- (3) Subject to [Yap State Administrative Procedure Act](#).

**Source:** YSL 1-199 §11, modified.

**Cross-reference:** The statutory provisions of the Yap State Administrative Procedure Act are found in [chapter 1 of Title 10 \(Administrative Law\)](#) of this Code.

### **§525. Meetings; quorum.**

The Board shall meet at such times and places as it may by rule prescribe, but shall hold at least two regular meetings in each year. The chairman may call special meetings. At all meetings the presence of the chairman and at least two members shall constitute a quorum, and the concurrence of three members shall be required in arriving at any decision.

**Source:** YSL 1-199 §12.

### **§526. Records; list of registered surveyors.**

The Board shall keep a complete record of all applications for registration together with the Board's action thereon and shall prepare a list of Registered Surveyors showing the names, places of business and residences of all registered land surveyors for file.

**Source:** YSL 1-199 §13, modified.

## **Subchapter III: Registration of Land Surveyors**

**§541.** Requirement.

**§542.** Acts construed as practicing surveying.

**§543.** Qualifications; residency; age; character; knowledge.

**§544.** Training; experience.

**§545.** Credits for experience.

**§546.** Reciprocity.

**§547.** Applications.

**§548.** Examinations.

**§549.** Certificate of registration; issuance; effect of issuance.

**§550.** Expiration and renewal.

**§551.** Registered land surveyor's seal.

**§552.** Suspension or revocation.

**§553.** Reissuance of certificates of registration.

**§554.** Application of law to proprietorships, partnerships, and corporations.

**§541. Requirement.**

(a) No person shall practice or offer to practice land surveying, or use in connection with his name, or otherwise use, assure, or advertise, any title or description to convey the impression that he is a land surveyor, unless such person has qualified as such by registration as a land surveyor or is otherwise exempt under this chapter.

(b) A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this chapter who practices land surveying, or who by oral or written claim or sign advertising, letterhead card or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is such, or who holds himself out as able to perform or who does perform any surveying service of work or any other professional service designated by him as land surveying or generally recognized as such.

**Source:** YSL 1-199 §14, modified.

**§542. Acts construed as practicing surveying.**

A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this chapter who:

(a) Practices land surveying; or

(b) By oral or written claim, or sign, advertising, letterhead, card or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is such; or

(c) Holds himself out as able to perform, or who does perform, any surveying, service or work any other professional services designated by him as land surveying, or generally recognized as such.

**Source:** YSL 1-199 §15, modified.

**§543. Qualifications; residency; age; character; knowledge.**

No person shall be eligible for registration as a land surveyor under this chapter unless he:

(a) Is a resident of the [Federated States of Micronesia](#);

(b) Is more than 21 years of age;

(c) Is of good character and repute; and

(d) Meets the professional qualifications prescribed by this chapter.

**Source:** YSL 1-199 §16, modified.

#### **§544. Training; experience.**

The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a land surveyor:

(a) Graduation from university, college, institute or school approved by the Board as of satisfactory standing, including the completion of an approved course in surveying, and a specific record of an additional two years or more of experience in land surveying of a character satisfactory to the Board, and indicating that the applicant is competent to practice land surveying and passing the prescribed examination; or

(b) A specific record of six years or more of experience in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying and has passed the prescribed examinations set by the Board, provided, that the applicant is not less than 33 years of age and provided that the six years or more of lawful practice in land surveying work was gained in the last six consecutive years.

**Source:** YSL 1-199 §17, modified.

#### **§545. Credits for experience.**

In considering the qualifications of applicants as to experience under section 544 of this chapter:

(a) Teaching of land surveying in an approved curriculum in a university, college, or school approved by the Board as of satisfactory standing may be credited as experience.

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

(c) The satisfactory completion of each year of approved curriculum in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience under subsection (b), section 544 of this chapter. Graduation in a curriculum other than land surveying from a college or university of recognized standing may be considered equivalent to two years of experience under this chapter, provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

**Source:** YSL 1-199 §18, modified.

**Cross-reference:** Section 544 of this chapter is on training and experience.

#### **§546. Reciprocity.**

(a) The Board may, upon application and payment of the fee required by section 547 of this chapter, issue a certificate of registration as a land surveyor, without oral or written examination, to any person who holds a current valid certificate of registration (or the equivalent thereof) issued as such by any State of the Federated States of Micronesia, or possession of the United States, provided that the applicant's qualifications meet the requirements of this chapter. The Chief of Lands and Surveys or his designee may enter into a reciprocal arrangement with surveyor's registration board, or other competent authorities of a State of the Federated States of Micronesia or a possession of the United States:

(1) For the recognition of the status of a person authorized by that Board or competent authority to practice as a land surveyor in the Federated States of Micronesia, or another country, and for the registering of any such person as a registered land surveyor under this chapter; and

(2) For the examination of a candidate who has served under a term of cadetship or apprenticeship to a licensed or registered land surveyor and whose articles have been registered in the Office of the Chief of Lands and Surveys, Yap State.

**Source:** YSL 1-199 §19, modified.

**Commission Comment:** Section 7 of YSL 2-37, amended the names of the divisions of the Department of Resources and Development. The name of the Division of Lands and Surveys was changed to the Division of Land Resources.

### **§547. Applications.**

(a) Application for registration shall be on forms prescribed and furnished by the Board and shall:

(1) Designate the registration applied for;

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

(3) Furnish not less than three references, at least two of which shall be with regard to his technical work; and

(4) Set forth such other information as the Board may prescribe.

(b) Every application shall be accompanied by an application fee of an amount determined by the Board. No refund shall be made in the event registration is denied.

**Source:** YSL 1-199 §20, modified.

### **§548. Examinations.**

(a) When oral or written examinations are required, they shall be held at such time and place as the Board shall determine.

(b) All examinations shall be prescribed by the Board, subject to the requirements of this chapter and shall have for their scope the determination of the applicant's ability to practice land surveying. All examinations shall include the subjects of professional ethics and the provisions of this chapter.

(c) The examination, in addition to other matters, shall cover the procedures and rules governing the survey of public lands as set forth in the Operations and Technical Instructions published by the Trust Territory Division of Lands and Surveys, as adopted by the Yap State Division of Lands and Surveys.

**Source:** YSL 1-199 §21, modified.

**Commission Comment:** Section 7 of YSL 2-37, amended the names of the divisions of the Department of Resources and Development. The name of the Division of Lands and Surveys was changed to the Division of Land Resources.

### **§549. Certificate of registration; issuance; effect of issuance.**

(a) The Board shall issue a certificate of registration to any applicant for registration as a land surveyor, who, having paid the application and registration fee, has satisfactorily met all the requirements of this chapter. Certificates shall show the full name of the applicant, shall have a serial number, and shall be signed by the chairman and the secretary of the Board under seal of the Board.

(b) The certificate for a registered land surveyor shall authorize the "practice of land surveying".

(c) The certificate of registration, as issued by the Board, shall be prima facie evidence that the person named therein is a registered land surveyor entitled to all the rights and privileges of such while such certificate remains unrevoked or unexpired.

**Source:** YSL 1-199 §22, modified.

#### **§550. Expiration and renewal.**

(a) Certificates of registration shall expire three years following the date of issuance or renewal and become invalid thereafter unless renewed.

(b) It shall be the duty of the Board to notify every person registered under this chapter of the date of expiration of his certificate of registration and the amount of the fee that shall be required for its renewal for three years. Such notice shall be mailed no later than 30 days prior to the expiration date. Renewal may be effected at any time during the last 30 days of the date of expiration by payment of a fee determined by the Board.

(c) Failure on the part of any registrant to renew his certificate shall not deprive such person of the right of renewal, but the renewal fee to be paid after the date of expiration shall be increased by \$1.00 for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for the delayed renewal shall not exceed \$10.00. The failure of the Board to notify a registrant of the date of expiration of this certificate, or the amount of the renewal fee, shall not extend the duration of the certificate of registration.

**Source:** YSL 1-199 §23, modified.

#### **§551. Registered land surveyor's seal.**

(a) Every registrant may, upon being issued a certificate of registration, obtain a seal of a design authorized by the Board, which shall provide space for stating the serial number and date of expiration of the certificate of registration. Plans, specifications, plats and reports prepared by a registrant shall be stamped with such seal when filed with the Government of the State of Yap during the term of the registrant's registration, and shall also show the serial number and date or expiration of such certificate of registration.

(b) It shall be a misdemeanor for anyone to stamp or seal any document with such seal after the certificate of registration of the person named thereon has expired or has been revoked, unless such certificate shall have been renewed and reissued.

**Source:** YSL 1-199 §24.

#### **§552. Suspension or revocation.**

The Board shall have the power, duty, and authority to investigate violations of this chapter and may suspend or revoke a certificate of registration on any of the following grounds:

(a) The registrant is practicing in violation of this chapter; or

(b) The certificate of registration has been obtained or that the registrant has obtained such certificate by fraud or misrepresentation; or

(c) The certificate of registration was obtained by bribery or payment of any money except fees prescribed by this chapter; or

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

(e) The registrant has been convicted of an offense arising from or in connection with the practice of land surveying, or any offense involving moral turpitude, in which case a certified copy of the record of conviction shall be conclusive evidence thereof; or

(f) The registrant has violated any provision of this chapter; or

(g) The registrant has aided and abetted in the practice of land surveying any person not duly authorized to practice land surveying; or

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

(i) The registrant has permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision, or by his employee or subordinate; or

(j) Proceedings under this section may be initiated upon complaint by any person or by the Board. All charges shall be in writing and sworn to by the person making them. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they have been preferred. The time and place for such hearing shall be fixed by the Board, and a copy of the charges together with a notice of the time and place of hearing, shall be personally served upon or mailed to the last known address of such registrant at least 30 days before the date fixed for hearing. At any hearing, the registrant shall have the right to appear personally and have counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

**Source:** YSL 1-199 §25, modified.

### **§553. Reissuance of certificates of registration.**

(a) The Board for reasons it deems sufficient may reissue a certificate of registration to any person whose certificate has been revoked provided three or more members of the Board vote in favor of such reissuance.

(b) A new certificate of registration may be issued to any person whose certificate has been revoked, lost, destroyed, or mutilated, subject to the rules of the Board and upon payment of a fee determined by the Board.

**Source:** YSL 1-199 §26, modified.

### **§554. Application of law to proprietorships, partnerships, corporations.**

(a) Practice of land surveying may be performed by employees of a proprietorship, partnership, or corporation engaged in construction, manufacturing, transportation distribution, or communications insofar as such land surveying is involved in its operations, provided that it is performed by, or under the supervision of, a land surveyor in responsible charge, registered under this chapter.

(b) The practice or offer to practice land surveying for the public as defined in section 503 of this chapter, by individuals registered under this chapter through a corporation as officers, employees or agents, is permitted subject to the provisions of this chapter, and provided that all personnel who act in its behalf as land surveyors in responsible charge are registered under this chapter. In case

this practice is done through a corporation organized after the effective date of this act, it shall be required at all times that the president and a majority of the officers and directors are registered land surveyors, and further, that said corporation shall have been issued a certificate of authorization by the Board as provided in this chapter.

(c) A corporation desiring a certificate of authorization shall file with the Board an application, using a form provided by the Board, listing the names and addresses of all officers and board members of the corporation, and also, of the individuals duly registered to practice land surveying who shall be in responsible charge, and other information required by the Board. The same form, giving the same information, must accompany the annual renewal fee.

In the event there shall be a change in any of these persons during the year, such change shall be designed on the same form and filed with the Board within 30 days after the effective date of said change. If all of the requirements of this section are met, the Board may issue a certificate of authorization to such corporation.

(d) No corporation authorized to practice land surveying under this chapter shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing land surveying be relieved of responsibility for services performed by reason of his employment or relationship with such corporation. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of land surveying which shall have been prepared or approved for the use of such corporation, or for delivery by it to any person, or for public record, shall be dated and bear the signature and seal of the land surveyor who prepared or approved them.

**Source:** YSL 1-199 §27, modified.

**Cross-reference:** The statutory provisions on Corporations, Partnerships and Associations are found in Title 23 of this Code.

## Subchapter IV: Register of Land Surveyors

**§571.** Required; contents; prima facie evidence of status.

**§572.** Public inspection.

**§573.** Alteration and amendment.

### **§571. Required; contents; prima facie evidence of status.**

The chairman of the Board shall record in a book to be kept for the purpose and to be known as the register of land surveyors the names and addresses of all registered land surveyors, together with the detail and dates of the qualifications in respect of which they are registered by the Board of Land Surveyor Examiners. Every entry in the register shall be signed by the chairman of the Board. A copy of an entry in the register, purporting to be certified by the chairman of the Board as a true copy, is prima facie evidence that the person named therein is a registered land surveyor.

**Source:** YSL 1-199 §28, modified.

### **§572. Public inspection.**

The register of land surveyors shall be opened to public inspection upon payment of a fee of \$1.00.

**Source:** YSL 1-199 §29, modified.

**§573. Alteration and amendment.**

The Board shall from time to time make such alterations and amendments in the register as are necessary for the purpose of making the register an accurate record of the names, addresses and qualifications of registered land surveyors.

**Source:** YSL 1-199 §30.

## **Subchapter V: Miscellaneous Provisions**

**§581.** Severability.

**§581. Severability.**

If any provision of this chapter is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

**Source:** YSL 1-199 §32, modified.