

CHAPTER 6 of Title 38

LAND SURVEYORS

Section

6-101 Short title

6-102 Purpose

6-103 Definitions

6-104 Board of Land Surveyors Examiners

6-105 Registration of surveyors: procedures; qualifications; exemptions

6-106 Exemptions

6-107 Register of Land Surveyors

6-108 Certificates issued under 31 TTC (1980)

6-109 Compensation

6-110 Authorization for appropriation; administration

38 PC 6-101. Short title.

This chapter is known and may be cited as the “Board of Land Surveyors Examiners and Surveyors Registration Act of 1982.”

Source: S.L. No. 2L-130-82 §1, 6/28/82

38 PC 6-102. Purpose.

The purpose of this chapter is to provide for the establishment of a Pohnpei 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: S.L. No. 2L-130-82 §2, 6/28/82

38 PC 6-103. Definitions.

As used in this chapter, unless the context otherwise requires, the term:

- (1) “Board” means the Pohnpei Board of Land Surveyors Examiners.
- (2) “Chairman” means the Chairman of the Board.
- (3) “Land surveyor” means a registered land surveyor within the meaning of this chapter.
- (4) “Members” means the officially appointed members of the Board.
- (5) “Practice of land surveying” means a person or persons who practices surveying within the meaning of this chapter, either in a public or private capacity, and who does or offers to do any of the following:
 - (a) Locates, relocates, establishes, reestablishes or retraces any property line or boundary of any parcel of land or any road, rights-of-way, easement, reserve or other related matters;
 - (b) Makes any survey for the subdivision or resubdivision 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 corner, and sets, resets or replaces any such monuments or reference points;
 - (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) Conducts 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 above for public record purposes;
 - (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 for others; or
 - (i) Manages, or conducts as manager, proprietor or agent, any place of business from which land surveying work is solicited, performed or practiced.
- (6) “Registrant” means any person who has met all the requirements of this chapter and has been duly registered as a professional, registered land surveyor pursuant to this chapter. A registrant shall be construed to practice or offer to practice land surveying and mapping within the meaning and intent of this chapter who:
 - (a) Practices land surveying; or

(b) By oral or written claim, or sign or advertising, letterheads, cards 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 or any other professional services designated by him as land surveying or generally recognized as such.

Source: S.L. No. 2L-130-82 §3, 6/28/82

38 PC 6-104. Board of Land Surveyors Examiners.

(1) There is hereby created a Board of Land Surveyors Examiners within the state of Pohnpei, consisting of five members, two of whom shall be land surveyors. Members of the Board shall be appointed by the Governor with the advice and consent of the Legislature. All of the appointees shall be at least 25 years of age and each shall have at least six years of active experience and be of recognized good standing in their profession of either land surveying, civil engineering, law or other related professions. Members shall be appointed for a term of four years; PROVIDED that two of the initial appointees shall be for a four-year term; one for a three-year term; one for a two-year term; and one for a one-year term.

(2) The Governor, with the concurrence of the Pohnpei Legislature, may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other sufficient cause; PROVIDED, HOWEVER, that the removal is subject to appeal to a court of competent jurisdiction.

Vacancies in the membership of the Board shall be filled by appointment as provided for under Subsection (1) of this section.

(3) Members of the Board shall carry out their duties and responsibilities without compensation and shall endeavor to conduct business during normal working hours.

(4) The Division of Surveying and Mapping shall provide the Board with necessary clerical personnel, office facilities, technical, and other logistic support as the Board may require.

(5) The Board is hereby authorized to promulgate rules and regulations needed in performing its functions; PROVIDED, HOWEVER, that the promulgation is consistent with the Administrative Procedures Act, Title 8 Chapter 1, as amended or superseded, (8 PC 1-*), and approved by the Governor.

(6) The Board shall meet at such times and places as it may by rule prescribe, but shall hold at least two regular meetings each year. The Chairman may also call special meetings as the need arises. At all meetings the presence of three members shall constitute a quorum and the majority decisions of at least three members present in any meeting shall be required in arriving at any decision.

(7) The Board shall maintain a complete record of all applications for registration, together with the Board's action thereon, and shall annually, during the month of December, prepare a

list showing the names and addresses of all registered land surveyors for publication. A copy of the list shall be distributed to all registrants and all land offices within the state.

(8) The Board shall prepare a printed annual report of its activities each year that shall be submitted to the Governor and Legislature on the last day of each calendar year. The said report shall also be published in the state's Land Gazette on the publication issue immediately following the calendar year involved.

Source: S.L. No. 2L-130-82 §4, 6/28/82; S.L. No. 1L-71-86 §4-13, 4/1/86; S.L. No. 5L-14-00 §3-48, 10/1/00

38 PC 6-105. Registration of surveyors: procedures; qualifications; exemptions.

(1) No person shall practice or offer to practice land surveying, or use in connection with his name, or otherwise use, assume 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 exempted under this chapter.

(2) 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 or work or any other professional service designated by him as land surveying or generally recognized as such.

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

(a) He is an actual resident of Pohnpei;

(b) He is at least 21 years of age;

(c) He is of good character and repute;

(d) He meets the professional qualifications prescribed by this chapter; or

(e) He is exempted under 38 PC 6-106.

(4) 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 a 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 has passed 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 oral and practical examinations set by the Board; or

(c) A specific record of eight years or more of lawful practice 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 eight years or more of lawful practice in land surveying work was gained in the last eight consecutive years or since 1974.

(5) In considering the qualifications of applicants as to experience under Subsection (4) of this section, the following may be credited as experience and qualifications:

(a) Teaching of land surveying in an approved curriculum in a university, college or school approved by the Board as of satisfactory standing;

(b) Experience and training in the armed services of the United States of America in civil engineering or land surveying; and

(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 (4)(b) or (4)(c) of this section. 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.

(6) The Board may, upon application and payment of the fee required by 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, as such issued by any state, territory or possession of the United States of America, or of any country, provided that the applicant's qualifications meet the requirements of this chapter.

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

(a) Designate the registration applied for;

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

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

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

(8) Every application shall be accompanied by an application fee of \$15. No refund shall be made in the event registration is denied.

(9) When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. All examinations shall be prescribed by the Board, subject to 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 this chapter. The examination, in addition to other matters, shall cover the

procedure and rules governing the survey of public lands as set forth in the Manual of Surveying Instructions published by the Bureau of Land Management, United States Department of the Interior, and in the Manual of Surveying Instructions issued by the Division of Surveying and Mapping.

(10) 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 registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under seal of the Board. The certificate for a registered land surveyor shall authorize the practice of land surveying. 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.

(11) Certificates of registration shall expire on the last day of the month of December of the third year following their issuance or renewal and become invalid at the end of such day unless renewed. 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. Such notices shall be mailed not later than the first week of December each year. Renewal may be effected at any time during the month of December by payment of a renewal fee of \$15. The failure on the part of any registrant to renew his certificate in the month of December of the year of expiration shall not deprive such person of the right of renewal, but the renewal fee to be paid after the month of December shall be increased by \$1 for each month or fraction of a month that payment of renewal is delayed; PROVIDED, HOWEVER, that the maximum fee for delayed renewal shall not exceed \$10. The failure of the Board to notify a registrant of the date of the expiration of his certificate or the amount of the renewal fee shall not extend the duration of a certificate of registration.

(12) Every registrant, upon being issued a certificate of registration, may obtain a seal of a design authorized by the Board, bearing the registrant's name and the legend "Registered Land Surveyor," as the case may be, and 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 Pohnpei Government during the term of the registrant's registration, and shall also show the serial number and date of expiration of such certificate of registration. It shall be a misdemeanor, conviction of which shall be punishable by imprisonment not to exceed six months or by a fine not to exceed \$1,000, or both such fine and imprisonment, 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.

(13) 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 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 except as provided under exemption of this chapter; or

(h) The registrant has been guilty of fraud or deceit, or of gross negligence, incompetence or 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, by his employee or subordinate.

(14) Proceedings under this chapter 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 referred. The time and place of such hearing shall be fixed by the Board, and a copy of the charges, together with a notice for the hearing shall be personally served upon or mailed to the last known address of such registrant at least 30 days prior to the scheduled hearing. At any hearing, the registrant shall have the right to appear personally and may have counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(15) The Board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, provided that the majority of Board members present at a meeting vote in favor of such reissuance. 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 of \$10.

(16) The 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.

(17) The practice or offer to practice land surveying for the public, as defined in this chapter, by individuals registered under this law through a corporation as officers, employees or agents, is permitted subject to this chapter, provided that all personnel who act in its behalf as land surveyors in responsible charge are registered under this chapter, or are persons lawfully practicing under this law. In case this practice is done through a corporation organized after the effective date of this chapter [June 28, 1982], 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.

(18) 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 an individual or individuals duly registered to practice land surveying who shall be in responsible charge, and other information required by the Board. A non-refundable fee of \$25 shall accompany each such application. The same form, giving the same information, must accompany an annual renewal fee of \$10. In the event there shall be a change in any of these persons during the year, such change shall be designated on the same form and filed with the Board within 30 days after the effective date of the change. If all of the requirements of this section are met, the Board may issue a certificate of authorization to such corporation.

(19) 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 reasons of its compliance with 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, plats, 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: S.L. No. 2L-130-82 §5, 6/28/82; S.L. No. 2L-140-82 §1, 10/28/82

38 PC 6-106. Exemptions.

This chapter shall not apply to:

(1) A person not a resident of and having no established place of business in the state of Pohnpei, practicing or offering to practice land surveying in the state of Pohnpei when such practice does not extend in the aggregate more than 30 days in any calendar year; PROVIDED that such person is legally qualified by registration to practice such profession in the state or territory of his residence and in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter.

(2) A person not a resident of and having no established place of business in the state of Pohnpei, or who has recently become a resident thereof, practicing or offering to practice land surveying in the state of Pohnpei for more than 30 days in any calendar year, if he has filed an application for a certificate of registration with the Board and has paid the required fee, such exemption to continue only for such time as the Board requires for the consideration of the application for registration; PROVIDED that such person is legally qualified to practice such profession in the state or territory of his residence and in which the requirements or qualifications for obtaining a certificate are not lower than those specified in this chapter.

(3) An employee or subordinate of a person holding a certificate of registration under this chapter or an employee or a person exempted from registration by this section; PROVIDED

that the work of such 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 under this chapter.

(4) Officers, employees or members of the Armed Forces of the United States of America, as long as their practice of land surveying is limited to that work specifically authorized by the Armed Forces.

(5) The practice of any legally recognized profession other than that of land surveyor.

Source: S.L. No. 2L-130-82 §6, 6/28/82

38 PC 6-107. Register of Land Surveyors.

(1) 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 details and dates of the qualifications in respect of which they are registered by the Board of Land Surveyors 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.

(2) The Register shall be open for public inspection by anyone desiring to view the Register. The Register shall be updated at all times by the Chairman of the Board.

Source: S.L. No. 2L-130-82 §7, 6/28/82

38 PC 6-108. Certificates issued under 31 TTC (1980). A holder of a certificate of registration issued under the superseded 31 TTC (1980), which expired on the last day of December 1981, upon payment of the herein prescribed renewal fee or having paid the renewal fee prescribed by the superseded law, shall be issued a certificate of registration and shall be entitled to all rights and privileges of a registered land surveyor under this chapter.

Source: S.L. No. 2L-130-82 §8, 6/28/82; S.L. No. 2L-140-82 §2, 10/28/82

Note: S.L. No. 2L-130-82 §9 superseding provision has been omitted

38 PC 6-109. Compensation.

Board members shall be compensated at rates established by the Government Officers' Salary Act, Title 9 Chapter 4, as amended or superseded, (9 PC 4-*), and shall be entitled to expenses and standard Pohnpei Government per diem rates while engaged in authorized services for the Board; PROVIDED that Pohnpei Government officers and employees who serve on the Board shall not be entitled to compensation, but shall be accorded administrative leave while so engaged in such services.

Source: S.L. No. 2L-130-82 §11(2), 6/28/82

Note: §11 was inserted by S.L. No. 1L-71-86 §4-13, 4/1/86.

38 PC 6-110. Authorization for appropriation; administration.

There is hereby authorized for appropriation from the general fund of Pohnpei a sum to be determined annually in the Comprehensive Budget Act for the purpose of defraying the cost of the operations and other incidental expenses incurred by the Board created by this chapter. Sums appropriated under the authorization of this section shall be administered and expended by the Governor or his duly designated representative solely for the purposes stated in this chapter. The Governor or his duly designated representative shall report to the Pohnpei Legislature on or before October 15 each year on all matters concerning the administration and expenditure of the sums authorized for appropriation by this section. All sums appropriated under the authorization of this section in a fiscal year remaining unexpended or unobligated for expenditure on September 30 each fiscal year shall revert to the general fund of Pohnpei.

Source: S.L. No. 2L-130-82 §11(1), 6/28/82

Note: §11 was inserted by S.L. No. 1L-71-86 §4-13, 4/1/86.