

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Representative Maddox

HOUSE BILL 2073

"AN ACT TO AMEND SECTION 7 OF ACT 101 OF 1967, AS AMENDED [ARK. STATS. 71-2306] TO REQUIRE REGISTERED LAND SURVEYORS TO PARTICIPATE IN CONTINUING EDUCATION; TO AMEND SECTION 9 OF ACT 101 OF 1967 AS AMENDED, [ARK. STATS. 71-2308] TO AUTHORIZE THE BOARD TO ASSESS CIVIL PENALTIES AGAINST LAND SURVEYORS AND SURVEYORS-IN-TRAINING FOR CERTAIN VIOLATIONS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 7 of Act 101 of 1967, the same being Arkansas Statutes 71-2306, is hereby amended to read as follows:

"Section 7. (a) Certificates of Registration for land surveyors and land surveyors-in-training shall expire on the last day of June each year and the Board shall give thirty (30) days written notice prior to the expiration of the Certificates of Registration.

(b) Certificates of Registration for land surveyors and land surveyors-in-training shall be renewed by the Board to persons who are holders of Certificates issued under this Act who shall have furnished evidence satisfactory to the Board of compliance with the requirements of subsection (e) of this Section. There shall be an annual fee of not more than fifteen dollars (\$15.00) for land surveyors and not more than five dollars (\$5.00) for land surveyors-in-training.

(c) Notwithstanding the provisions of preceding subsection (b), a land surveyor or land surveyor-in-training registered under this Act who is not engaged in the practice of land surveying may request the Board, in writing, to place his name on the Board's inactive roll, thereby granting him inactive status and protecting his right to obtain a Certificate of Registration pursuant to preceding subsection (b) at such later time as he may wish to become

engaged in the practice of land surveying.

If, upon receipt of such notification the Board determines that the registered land surveyor is not engaged in the practice of land surveying, the registered land surveyor will be permitted to retain his initial certificate of registration by paying an annual registration fee not to exceed fifteen dollars (\$15.00).

(d) In the event a registered land surveyor or land surveyor-in-training shall fail either to apply for an annual Certificate of Registration or to be placed on the Board's inactive roll within six (6) months from the expiration date of the Certificate of Registration last obtained pursuant to preceding subsections (b) or (c), it shall deprive him of the right to apply for a Certificate of Registration or inactive status, unless the Board, in its discretion, determines such failure to have been due to a reasonable cause. In such case, the Board may, in its discretion, require any or all of the following: a reinstatement fee not to exceed one hundred dollars (\$100.00); the total annual registration fees which would have been paid under this Section during the period when neither a Certificate of Registration nor inactive status was maintained; or successful completion of a written examination designed to show that the land surveyor is qualified to resume the practice of land surveying in the State.

(e) After the expiration of the two (2) year period immediately following the effective date of the adoption of regulations by the Board establishing requirements of continuing education, every application for renewal of a Certificate of Registration under this Section shall be accompanied or supported by such evidence as the Board shall prescribe documenting completion of fifteen (15) hours of acceptable continuing education, approved by the Board, during the twelve (12) month period immediately preceding the date of application. Failure by an applicant to provide such evidence shall constitute grounds for revocation, suspension or refusal to renew such permit unless the Board, in its discretion, shall determine such failure to have been due to reasonable cause or the applicant was not engaged in the practice of land surveying and maintained his initial Certificate of Registration as prescribed by preceding subsection (c).

The Board, in its discretion, may renew a Certificate of Registration despite failure to furnish evidence of satisfaction of requirements of continuing education, and may issue a Certificate of Registration to an applicant

who has previously maintained inactive status under preceding subsection (c), upon the condition that the applicant follow a particular program or schedule of continuing education. In issuing rules, regulations and individual orders in respect to requirements of continuing education, the Board, in its discretion, may among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe content, duration, and organization of courses, shall take into account the accessibility to applicants of such continuing education as it may require; and may provide for relaxation or suspension of such requirements in regard to applicants who certify that they do not intend to engage in the practice of land surveyors, and for instances of individual hardship.

The Board, in its discretion, may exempt registered land surveyors with twenty (20) or more years experience as practicing land surveyors within this State, from the provisions of this Subsection provided that this exemption shall not apply to individuals registered after 1967.

(f) The Board is hereby authorized to prescribe regulations, procedures, and policies in the manner and condition under which credit shall be given for participation in a program of continuing education that the Board may deem necessary and appropriate to maintain the highest standard of proficiency in the profession of land surveying. Examples of programs of continuing education which will be acceptable include, but are not limited to, programs or seminars sponsored by higher educational institutions, government agencies, professional organizations of registered land surveyors and related professions."

SECTION 2. Section 9 of Act 101 of 1967 as amended, the same being Arkansas Statutes 71-2308, is hereby amended to read as follows:

"Section 9. (a) If the Board finds, after a hearing, that any registered land surveyor or land surveyor-in-training secured his registration through the practice of fraud or deceit, or through false statements made in his application for his registration, or in any document subsequently filed, or in any oral testimony subsequently given in support of such applications, or that he has been guilty of any gross negligence, incompetence or misconduct in the practice of land surveying, or has been convicted of any felony or crime involving moral turpitude, the Board shall revoke the registration of the accused.

(b) The Board is hereby authorized to levy a civil penalty against any land surveyor or surveyor-in-training who fails or refuses to comply with the provisions of this Act or any rule or regulation prescribed by the Board pursuant to the authority granted in this Act. Such civil penalty may be in lieu of or in addition to any other sanction imposed by the Board under authority of subsection (a) hereof. Provided, any civil penalty assessed by the Board shall be not less than twenty-five dollars (\$25.00) nor more than two thousand dollars (\$2,000.00)."

SECTION 3. All laws and parts of laws in conflict herewith are hereby repealed.

