

State of Arkansas  
85th General Assembly  
Regular Session, 2005

# A Bill

SENATE BILL 964

By: Senator J. Taylor

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAWS CONCERNING  
REGISTERED LAND SURVEYORS; AND FOR OTHER  
PURPOSES.

## Subtitle

AN ACT TO AMEND ARKANSAS LAWS CONCERNING  
REGISTERED LAND SURVEYORS.

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

SECTION 1. Arkansas Code § 14-14-204 is amended to read as follows:  
14-14-204. Accompanying documentation.

Petitions for the alteration of county boundaries shall be accompanied  
by the following documentation:

(1) A survey of the proposed boundary alterations, except where  
common boundaries are being dissolved. The survey shall be performed by a  
registered ~~land~~ professional surveyor of the State of Arkansas;

(2) A map drawn to scale of the area affected by the petition.

SECTION 2. Arkansas Code § 14-15-701 is amended to read as follows:  
14-15-701. Qualifications.

Effective January 1, 1987, no person shall be eligible to seek or hold  
the office of county surveyor unless the person is registered as a ~~land~~  
professional surveyor by the State Board of Registration for Professional  
Engineers and Land Surveyors.

SECTION 3. Arkansas Code § 15-21-202(b), concerning the makeup of the



1 Advisory Board to the Division of Land Surveys, is amended to read as  
2 follows:

3 15-21-202. Land survey advisory board - Creation - Members.

4 (b) The board shall consist of the following:

5 (1) One (1) person who is a professional engineer and registered  
6 ~~land professional~~ surveyor designated by the State Board of Registration for  
7 Professional Engineers and Land Surveyors;

8 (2) One (1) person who is a registered ~~land professional~~  
9 surveyor designated by the Arkansas Association of Registered Land Surveyors;

10 (3) One (1) person designated by the Arkansas Realtors  
11 Association;

12 (4) One (1) person who is a registered professional engineer and  
13 registered ~~land professional~~ surveyor with the Arkansas State Highway and  
14 Transportation Department designated by the State Highway Commission;

15 (5) One (1) person designated by the Arkansas County Judges  
16 Association;

17 (6) One (1) licensed abstractor designated by the Arkansas  
18 Abstractors Association; and

19 (7) One (1) registered ~~land professional~~ surveyor designated by  
20 the Arkansas Forestry Association.

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22 SECTION 4. Arkansas Code § 15-21-205 is amended to read as follows:

23 15-21-205. State Surveyor - Generally.

24 (a) The Division of Land Surveys shall be headed by and shall be under  
25 the direction, supervision, and control of the State Surveyor.

26 (b) The State Surveyor shall:

27 (1) Be a person of proven administrative ability, a registered  
28 ~~land professional~~ surveyor, and a resident of the State of Arkansas with  
29 training and experience properly qualifying the person for the performance of  
30 his or her official duties;

31 (2) Be appointed by and serve at the pleasure of the  
32 Commissioner of State Lands, provided the Commissioner of State Lands shall  
33 appoint the State Surveyor after consulting with the State Board of  
34 Registration for Professional Engineers and Land Surveyors and the Arkansas  
35 Association of Registered Land Surveyors;

36 (3) Serve until dismissed by the Commissioner of State Lands;

1           (4) Devote his or her full time to the performance of his or her  
2 official functions and duties as prescribed in this subchapter;

3           (5) Hold no other lucrative position while serving as State  
4 Surveyor; and

5           (6) Receive such compensation as may be prescribed by law.  
6

7       SECTION 5. Arkansas Code § 15-21-207 is amended to read as follows:  
8       15-21-207. Surveyors generally.

9       (a) Every employee of the Division of Land Surveys who performs any  
10 work required by law to be done by a registered ~~land~~ professional surveyor  
11 shall be a registered surveyor.

12       (b) Neither the State Surveyor nor any employee of the division shall  
13 engage in private land surveying or consultation while so employed by the  
14 division.

15       (c) The State Surveyor and employees of the division shall cooperate  
16 with and assist county surveyors in performing their duties as prescribed by  
17 law and shall cooperate with and assist other surveyors in locating or  
18 establishing section corner markers and other land description markers and  
19 monuments.

20       (d) In performing the duties and responsibilities provided for in this  
21 subchapter, the State Surveyor and employees of the office of State Surveyor  
22 may solicit the advice and assistance of the county surveyor in each county  
23 and other surveyors in the county.

24       (e) If there are no registered professional surveyors in a particular  
25 county, the division may employ qualified registered professional surveyors  
26 from other areas of the state to assist the division in carrying out its  
27 duties and responsibilities under this subchapter.  
28

29       SECTION 6. Arkansas Code § 17-30-201 is amended to read as follows:  
30       17-30-201. Creation - Members.

31       (a) There is created a State Board of Registration for Professional  
32 Engineers and Land Surveyors, consisting of nine (9) members to be appointed  
33 by the Governor.

34       (b)(1) Each member of the board shall be a citizen of the United  
35 States, at least thirty-five (35) years of age, and shall have been a  
36 resident of this state for at least three (3) years immediately preceding his

1 or her appointment.

2 (2) Five (5) members shall be professional engineers of at least  
3 ten (10) years' active experience, of good standing in their profession, and  
4 registered as professional engineers at the time of their appointments.

5 (3) One (1) member shall be a professional engineer and a  
6 professional ~~land~~ surveyor of at least ten (10) years' active experience in  
7 both, of good standing in both professions, and registered as both a  
8 professional engineer and a professional ~~land~~ surveyor at the time of his or  
9 her appointment.

10 (4) One (1) member shall be a professional ~~land~~ surveyor of at  
11 least ten (10) years' active experience, of good standing in his or  
12 ~~her profession~~ her profession, and registered as a professional ~~land~~ surveyor  
13 at the time of his or her appointment.

14 (5) Two (2) members of the board shall not be actively engaged  
15 as or retired as professional engineers or ~~land~~ surveyors. One (1) member  
16 shall represent consumers, and one (1) member shall be sixty (60) years of  
17 age or older and shall represent the elderly. Both shall be appointed from  
18 the state at large, subject to confirmation by the Senate. The two (2)  
19 positions may not be held by the same person. Both shall be full voting  
20 members but shall not participate in the grading of examinations.

21 (c) The term of office for each member appointed shall be four (4)  
22 years.

23 (d) Each member shall hold office until his or her successor shall be  
24 duly appointed and qualified.

25 (e) The Governor may remove any member of the board for misconduct,  
26 incompetency, or neglect of duty.

27 (f) Vacancies on the board, however created, shall be filled by the  
28 Governor for the unexpired term.

29 (g) Each member of the board shall serve without compensation, except  
30 that the board member may receive expense reimbursement in accordance with §  
31 25-16-901 et seq.

32  
33 SECTION 7. Arkansas Code § 17-48-101 is amended to read as follows:  
34 17-48-101. Definitions.

35 (a) As used in this chapter, unless the context otherwise requires:

36 (1) "Board" means the State Board of Registration for

Professional Engineers and Land Surveyors;

(2)(A) "Land surveying" means any service comprising the determination of the location of land boundaries and land boundary corners; the preparation of plats showing the shape and areas of tracts of land and their subdivision into smaller tracts; the preparation of plats showing the location of streets, roads, and rights-of-way of tracts to give access to smaller tracts; and the preparation of official plats, or maps, of land thereof in this state.

(B) "Land surveying" shall not include the measure of acreage of timber, cotton, rice, or other agricultural crops; and

~~(3) "Land surveyor" means any person engaged in the practice of land surveying as defined in this section.~~

(3) "Metadata" means a description of the content, ancestry and source, quantity, database schema, and accuracy of digital map data;

(4) "Professional surveyor" means a person who, by reason of special knowledge of mathematics, surveying principles and methods, and legal requirements that are acquired by education or practical experience, is qualified to engage in the practice of land surveying and surveying measurement certification; and

(5) "Surveying measurement certification" means providing the professional service of certification or sealing of maps, documents, digital files, or other data for the purpose of verifying that the maps, documents, digital files, or other data are authoritative professional determinations based on accepted methods and principals of surveying measurement or analysis representing or listing the following types of surveying measurements:

(A) The configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;

(B) The position or elevation of any survey boundary or control monument or reference point; and

(C) The alignment or elevation of any fixed works embraced within the practice of professional engineering.

(b) A person shall be construed to practice or offer to practice land surveying who engages in land surveying for others or who by verbal claim, sign, letterhead, card, telephone listing, or in any other way represents himself or herself to be a ~~land~~ professional surveyor or who represents himself or herself as able to perform land surveying in this state.

1       ~~(e) The provisions of this chapter shall not apply to the~~  
 2 ~~constitutional office of county surveyor when acting in his or her official~~  
 3 ~~capacity in the county in which he or she was elected.~~

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 5       SECTION 8. Arkansas Code § 17-48-102(b), concerning civil penalties  
 6 against professional engineers and surveyors, is amended to read as follows:

7       17-48-102. Penalties - Enforcement.

8       (b)(1) The State Board of Registration for Professional Engineers and  
 9 Land Surveyors is authorized to levy a civil penalty against any registered  
 10 engineer or land professional surveyor or land surveyor-in-training surveyor  
 11 intern who is found guilty of any fraud or deceit in his or her practice or  
 12 in securing a certificate of registration, or of gross negligence,  
 13 incompetence, misconduct, or who fails or refuses to comply with any laws  
 14 relating to the registration and practice of engineers, land professional  
 15 surveyors, or surveyors-in-training or any rules or regulations adopted by  
 16 the board pursuant to the authority granted in such laws.

17       (2) Any civil penalty levied by the board may be in lieu of or  
 18 in addition to any other sanction which may be imposed by the board.

19       (3) No civil penalty assessed by the board shall be less than  
 20 twenty-five dollars (\$25.00) nor more than two thousand dollars (\$2,000).

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 22       SECTION 9. Arkansas Code § 17-48-105 is amended to read as follows:

23       17-48-105. Seal and signature required.

24       (a) Each registered land professional surveyor shall procure a  
 25 personal seal, in form approved by the State Board of Registration for  
 26 Professional Engineers and Land Surveyors, and shall affix his or her  
 27 signature and the seal upon all maps, plats, surveys, or other documents  
 28 before the delivery thereof to any client or before offering to file a record  
 29 of any such map, plat, survey, or other document in the office of the  
 30 recorder of deeds of any county, or with any proper public authority.

31       (b) It shall be unlawful for the recorder of deeds of any county or  
 32 any proper public authority to file or record any map, plat, survey, or other  
 33 document within the definition of land surveying, which does not have  
 34 impressed thereon, and affixed thereto, the personal signature and seal of a  
 35 registered land professional surveyor by whom the map, plat, survey, or other  
 36 document was prepared.

SECTION 10. Arkansas Code § 17-48-201 is amended to read as follows:

17-48-201. Registration required - Sole or group practice - Trainees.

(a)(1) It shall be unlawful for any person who is not a ~~registered~~  
~~land surveyor but holds~~ professional surveyor registered by the board to hold  
 himself or herself out as a ~~registered land~~ professional surveyor to practice  
 or offer to practice land surveying in the state, as defined in the  
 provisions of this chapter, or to use in connection with his or her name or  
 otherwise assume or advertise any title or description tending to convey the  
 impression that he or she is a ~~land~~ professional surveyor, unless the person  
 has been registered under the provisions of this chapter.

(2) The State Board of Registration for Professional Engineers  
 and Land Surveyors shall have the power to discipline nonregistrants that  
 violate provisions of this chapter by the levy of a fine in an amount not to  
 exceed two thousand dollars (\$2,000) for each offense.

(b)(1) Admission to practice land surveying and surveying measurement  
certification shall be determined upon the basis of individual personal  
 qualifications. The right to engage in the practice of land surveying and  
surveying measurement certification shall be deemed a personal right, based  
 upon the qualifications of the individual, evidenced by his or her  
 registration certificate, and shall not be transferable.

(2) The term "surveying measurement certification" shall not be  
construed to permit the preparation of engineering or architectural design  
documents or quantity estimate payment documents.

(c) Any ~~registered land~~ professional surveyor may practice his or her  
 profession through the medium of, or as a member or employee of, a  
 partnership, firm, joint-stock association, or corporation, provided that all  
 surveys are signed and stamped with the signature and seal of the ~~registered~~  
~~land~~ professional surveyor in responsible charge. The ~~registered land~~  
professional surveyor signing and sealing the surveys shall be personally and  
 professionally responsible therefor, and his or her participation in any form  
 of business organization such as a partnership, firm, joint-stock  
 association, or corporation, either as a partner, principal, or employee,  
 shall not limit his or her individual liability.

(d) A ~~land surveyor in training~~ surveyor intern may engage in the  
 practice of land surveying only as an employee of or under the supervision of

1 a ~~registered land~~ professional surveyor.

2 (e) It shall be unlawful for any person to prepare, distribute, or  
 3 place the public records, maps, documents, digital files, or other data that  
 4 bear or contain a seal or any certification consisting of a verbal,  
 5 numerical, or symbolic representation of the accuracy or precision of  
 6 surveying measurements as defined in § 17-48-101(a)(5) or which bear or  
 7 contain a statement of determination by an authoritative professional source  
 8 unless the maps, documents, digital files, or other data bear or contain the  
 9 seal of a professional surveyor or professional engineer practicing within  
 10 their respective disciplines.

11 (f) The provisions of this chapter shall not apply to:

12 (1) The usual symbols and statements of the cartographic  
 13 representation of scale and direction, including, but not limited to, scale  
 14 ratios, scale bars, and north arrows;

15 (2) The preparation and attachment of metadata or to the  
 16 scientific analysis of measurement data for research by a person who is not a  
 17 professional surveyor or professional engineer; and

18 (3) Any government agency or office in conducting its statutory  
 19 or constitutional duties to certify representations of spatial data.

20 (g) Nothing in this chapter shall impair or reduce the scope of:

21 (1) The professional practice of engineers as defined by statute  
 22 and rules of the board; and

23 (2) The professional practice of professional architects as  
 24 defined by statute and rules of the Arkansas State Board of Architects.

26 SECTION 11. Arkansas Code § 17-48-202 is amended to read as follows:

27 17-48-202. Application.

28 (a) Application for registration as a ~~land~~ professional surveyor or  
 29 ~~land surveyor in training~~ surveyor intern shall be made on forms provided by  
 30 the State Board of Registration for Professional Engineers and Land  
 31 Surveyors, to be signed and sworn to by the applicant.

32 (b) They shall contain statements made under oath, showing the  
 33 applicant's education, experience record, and any other pertinent  
 34 information.

35 (c) All applicants shall furnish references from five (5) persons  
 36 having knowledge of work done by the applicant.



(d) Applications shall be filed with the secretary of the State Board of Registration for Professional Engineers and Land Surveyors and shall be accompanied by an application fee of not more than thirty-five dollars (\$35.00) for ~~land~~ professional surveyor applicants and not more than ten dollars (\$10.00) for ~~land~~ professional surveyors-in-training applicants.

(e) Should the board deny the issuance of a certificate of registration to any applicant, one-half (1/2) the fee paid shall be retained as an examination fee.

SECTION 12. Arkansas Code § 17-48-203 is amended to read as follows:

17-48-203. Qualifications - Certification.

(a) Any person who shall show to the satisfaction of the State Board of Registration for Professional Engineers and Land Surveyors that he or she is a person of good character and reputation and over the age of twenty-one (21) shall be eligible for registration as a ~~land~~ professional surveyor, provided he or she qualifies under one (1) of the following provisions:

(1) ~~Comity or Registration by Endorsement.~~ A person holding a certificate of registration to engage in the practice of land surveying issued to him or her on the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications, as shown on his or her application, which, in the opinion of the board, are equal to or higher than the requirements of this chapter, may be registered at the discretion of the board;

(2) ~~Graduation and Examination.~~ A graduate from an approved engineering curriculum with sufficient surveying courses, or any surveying technology curriculum of two (2) years or more, approved by the board, followed by at least two (2) years of land surveying which must be surveying experience of a character satisfactory to the board, who shall have passed a written examination designed to show that he or she is qualified to practice land surveying in this state, may be registered, provided he or she is otherwise qualified. Each year of teaching land surveying in an approved engineering or surveying curriculum may be considered as equivalent to one (1) year of land surveying experience; ~~and or~~

(3) ~~Experience and Examination.~~ An applicant who cannot qualify under subdivision (a)(2) of this section and who has six (6) years or more of

1 active experience in land surveying of a character satisfactory to the board  
 2 and who shall have passed a written examination designed to show that he or  
 3 she is qualified to practice land surveying may be granted a certificate of  
 4 registration to practice land surveying in this state, provided he or she is  
 5 otherwise qualified. Each year of satisfactory work in an approved  
 6 engineering or engineering technology curriculum majoring in surveying may be  
 7 considered as one (1) year of experience in land surveying, but not exceeding  
 8 two (2) years.

9 (b) Any person who shall show, to the satisfaction of the board, that  
 10 he or she is a person of good character, shall be eligible for registration  
 11 as a ~~land surveyor in training~~ surveyor intern, provided he or she qualifies  
 12 under one (1) of the following provisions:

13 (1) ~~Comity or Registration by Endorsement.~~ A person holding a  
 14 certificate of registration as a ~~land surveyor in training~~ surveyor intern  
 15 issued to him or her on the basis of a written examination by proper  
 16 authority of a state, territory, possession of the United States, the  
 17 District of Columbia, or any foreign country, based on requirements and  
 18 qualifications as shown on his or her application, which requirements and  
 19 qualifications, in the opinion of the board, are equal to or higher than the  
 20 requirements of this chapter, may be registered as a ~~land surveyor in~~  
 21 ~~training~~ surveyor intern at the discretion of the board;

22 (2) ~~Graduation and Examination.~~ A graduate from an approved  
 23 engineering curriculum with sufficient surveying courses, or any surveying  
 24 technology curriculum of two (2) years or more, approved by the board, who  
 25 shall have passed a written examination designed to show that he or she is  
 26 proficient in surveying fundamentals may be registered, provided he or she is  
 27 otherwise qualified; ~~and or~~

28 (3) ~~Experience and Examination.~~ An applicant who cannot qualify  
 29 under subdivision (b)(2) of this section, who has four (4) years or more of  
 30 active experience in land surveying of a character satisfactory to the board,  
 31 and who shall have passed a written examination designed to show that he or  
 32 she is proficient in surveying fundamentals may be registered, provided he or  
 33 she is otherwise qualified. Each year of satisfactory work in an approved  
 34 engineering or engineering technology curriculum majoring in surveying may be  
 35 considered as one (1) year of experience in land surveying, but not exceeding  
 36 two (2) years.

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2 SECTION 13. Arkansas Code § 17-48-204 is amended to read as follows:

3 17-48-204. Expiration and renewal - Inactive status - Reinstatement.

4 (a) All certificates shall be renewed annually or biannually at the  
5 discretion of the State Board of Registration for Professional Engineers and  
6 Land Surveyors.

7 (b) Certificates of registration for ~~land~~ professional surveyors and  
8 ~~land professional~~ surveyors-in-training shall be renewed by the board to  
9 persons who are holders of certificates issued under this chapter who shall  
10 have furnished evidence satisfactory to the board of compliance with the  
11 requirements of § 17-48-206(a).

12 (c)(1) Notwithstanding the provisions of subsection (b) of this  
13 section, a ~~land~~ professional surveyor or ~~land surveyor-in-training~~ surveyor  
14 intern registered under this chapter who is not engaged in the practice of  
15 land surveying may request the board, in writing, to place his or her name on  
16 the board's inactive roll, thereby granting him or her inactive status and  
17 protecting his or her right to obtain a certificate of registration pursuant  
18 to subsection (b) of this section at such later time as he or she may wish to  
19 become engaged in the practice of land surveying.

20 (2) If upon receipt of notification the board determines that  
21 the registered ~~land~~ professional surveyor is not engaged in the practice of  
22 land surveying, the registered ~~land~~ professional surveyor will be permitted  
23 to retain his or her initial certificate of registration by paying an annual  
24 registration fee.

25 (d) In the event a registered ~~land~~ professional surveyor or ~~land~~  
26 ~~surveyor-in-training~~ surveyor intern shall fail either to apply for an annual  
27 certificate of registration or to be placed on the board's inactive roll  
28 within six (6) months from the expiration date of the certificate of  
29 registration last obtained pursuant to subsection (b) or (c) of this section,  
30 it shall deprive him or her of the right to apply for a certificate of  
31 registration or inactive status unless the board, in its discretion,  
32 determines the failure to have been due to a reasonable cause. In that case,  
33 in its discretion, the board may require any or all of the following:

34 (1) A reinstatement fee;

35 (2) The total annual registration fees which would have been  
36 paid under this section during the period when neither a certificate of

1 registration nor inactive status was maintained; or

2 (3) Successful completion of a written examination designed to  
3 show that the ~~land~~ professional surveyor is qualified to resume the practice  
4 of land surveying in this state.

5  
6 SECTION 14. Arkansas Code § 17-48-205 is amended to read as follows:  
7 17-48-205. Revocation.

8 If after a hearing the Arkansas State Board of Registration for  
9 Professional Engineers and Land Surveyors finds that any registered ~~land~~  
10 professional surveyor or ~~land surveyor-in-training~~ surveyor intern secured  
11 his or her registration through the practice of fraud or deceit or through  
12 false statements made in his or her application for his or her registration,  
13 in any document subsequently filed, or in any oral testimony subsequently  
14 given in support of the applications, or that he or she has been guilty of  
15 any gross negligence, incompetence, or misconduct in the practice of land  
16 surveying, or that he or she has been convicted of any felony or crime  
17 involving moral turpitude, then the board shall revoke the registration of  
18 the accused.

19  
20 SECTION 15. Arkansas Code § 17-48-206(a)(3), concerning certain  
21 registered professional surveyors, is amended to read as follows:

22 (3) In its discretion, the board may exempt registered ~~land~~  
23 professional surveyors sixty (60) years of age or with twenty (20) or more  
24 years' experience as practicing ~~land~~ professional surveyors within this state  
25 from the provisions of this subsection.

26  
27 SECTION 16. Arkansas Code § 23-93-207(5), concerning certain documents  
28 and information included with an application for a license, is amended to  
29 read as follows:

30 (5) A legal description by metes and bounds or other acceptable  
31 means of the lands to be certified, and the relationship of such lands to  
32 existing streets, roads, and other improvements, together with a map showing  
33 the proposed or actual facility and showing the dimensions of the living  
34 units as available, except for living units that are completed and available  
35 for inspection. The map shall be drawn to scale, signed, and sealed by a  
36 licensed professional engineer or ~~land~~ professional surveyor;

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