

Form #2

2013 MAY 17 AM 10:10

AGENCY: West Virginia Board of Professional Surveyors TITLE NUMBER: 23

RULE TYPE: Legislative CITE AUTHORITY: 30-13A-6

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Examination and Licensing of Professional Surveyors in West Virginia

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 21, 2013 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Board of Professional Surveyors

416 Airport Road, Suite 1

Sutton, West Virginia 26601-9740

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

\$5.40

CHAIRMAN SECRETARY
Roy E. Shrewsbury, II Nelson B. Douglass
Mark H. Hornish Anthony J. Sparacino, Jr. R. Michael Shepp



STATE OF WEST VIRGINIA
BOARD OF PROFESSIONAL SURVEYORS
416 Airport Road, Suite 1, Sutton, West Virginia 26601-9740
Telephone (304) 765-0315 Fax (304) 765-0316
Web site: www.wvbps.wv.gov E-mail: wvbps@wv.gov

MAY 17 2013

West Virginia Secretary of State
Administrative Law Division
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

RE: Proposed 2014 Rule Changes
 23CSR1 – *Examination and Licensing of Professional Surveyors in West Virginia*

Dear Secretary of State:

The West Virginia Board of Professional Surveyors is requesting changes to the Series 1 Legislative Rule, *Examination and Licensing of Professional Surveyors in West Virginia*.

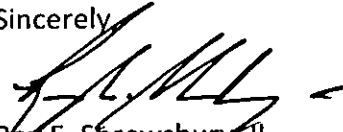
Proposed rule changes include:

- Provides for review and consideration of military veterans service for licensure in compliance with H.B. 4037, passed March 1, 2012.
- Provides for active licensees deployed for military service an exemption from the annual renewal fee.
- Changes "exam" to "examination" throughout the rule.
- Changes specific W.Va. Code references to "W. Va. Code §30-13A-1 et seq."
- Deletes references to 8-years experience applications on or before December 31, 2012.

Licensees were notified by U.S. Mail on May 17, 2013, of the proposed changes and the availability for review on the Board's website.

Please contact the Board office if you require any additional information.

Sincerely,


Roy E. Shrewsbury, II
Chairman

APPENDIX B
FISCAL NOTE FOR PROPOSED RULES

Rule Title: Examination and Licensing of Professional Surveyors in West Virginia

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Board of Professional Surveyors

Address: 416 Airport Road, Suite 1
Sutton, West Virginia 26601-9740

Phone Number: (304) 765-0315 Email: wvbps@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure
will have on costs and revenues of state government.

NONE.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of
Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: Examination and Licensing of Professional Surveyors in West Virginia

Rule Title:

Examination and Licensing of Professional Surveyors in West Virginia

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

NONE.

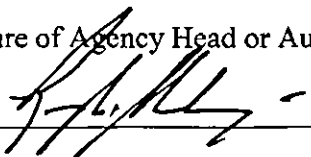
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

NONE.

Date: May 17, 2013

Signature of Agency Head or Authorized Representative



QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: May 17, 2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Professional Surveyors
416 Airport Road, Suite 1
Sutton, West Virginia 26601-9740

LEGISLATIVE RULE TITLE: Examination and Licensing of Professional Surveyors in
West Virginia - 23CSR1

1. Authorizing statute(s) citation 30-13A-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
Mailed to West Virginia Secretary of State's Office on May 17, 2013

b. What other notice, including advertising, did you give of the hearing?
All licensees notified by U.S. Mail of Proposed Rule Changes and Public Comment Period.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public Comment Period ends: June 21, 2013 @ 4:30 p.m.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Dennis D. Jarrell, Board Administrator

West Virginia Board of Professional Surveyors

416 Airport Road, Suite 1

Sutton, West Virginia 26601-9740

Phone (304) 765-0315 / Fax (304) 765-0316 / Email wvbps@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

- b. Date of hearing or comment period:

Comment Period: May 20, 2013 through June 21, 2013

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

- d. Attach findings and determinations and reasons:

Attached _____

TITLE 23
LEGISLATIVE RULE
BOARD OF PROFESSIONAL SURVEYORS

2013 MAY 17 AM 10:10

SERIES 1

EXAMINATION AND LICENSING OF PROFESSIONAL SURVEYORS IN WEST VIRGINIA**§23-1-1. General Information and Purpose.**

1.1. Scope. -- This rule is promulgated by the Board of Professional Surveyors, hereinafter referred to as the Board or WVBPS, to govern licensing of Professional Surveyors in West Virginia (WV).

1.2. Authority. -- W. Va. Code §30-13A-6.

1.3. Filing Date. -- ~~March 30, 2012.~~

1.4. Effective Date. -- ~~April 1, 2012.~~

1.5. This Rule for qualifying for examination, licensing and endorsing of Professional Surveyors is promulgated for the purpose of administration and enforcement of W. Va. Code §§30-1-1 et seq. and 30-13A-1 et seq. and shall be binding upon persons or firms involved in the practice of surveying under W. Va. Code §30-13A-1 et seq.

1.6. Repeal of Former Rules. -- This legislative rule replaces West Virginia 23CSR1 "Examination and Licensing of Professional Surveyors in West Virginia" ~~filed and effective May 1, 2008~~ April 1, 2012.

§23-1-2. Definitions.

As used in this rule, the following terms have the following meanings unless the context or subject matter clearly requires a different interpretation:

2.1. "Active Status" means the licensee has met all the requirements for the current annual renewal period and is permitted to practice as a professional surveyor in West Virginia.

2.2. "Certificate of Licensure" means a certificate issued to the applicant who has met the licensing requirements of W. Va. Code §30-13A-1 et seq. and has been approved by the Board. The certificate will be signed as required by the Board and will show the license number and seal of the Board and shall be displayed conspicuously at the principal place of practice.

2.3. "Comity Applicant" means a person who is applying to become a professional surveyor in West Virginia and is currently in possession of a professional surveyor license or certificate of licensure issued by a proper authority of a jurisdiction other than WV.

2.4. "Continuing Education" means mandatory continuing education required by the Board as set forth in 23CSR2.

2.5. "Delinquent Status" means the licensee has failed to meet the requirements for renewal or paid the renewal fee and ~~upon such failure~~ is not permitted to practice as a professional surveyor in West Virginia. The licensee can remain in delinquent status up to thirty-six (36) months without ~~reapplication~~ submitting a new application.

2.6. "Endorsement Applicant" means a person who is a current licensee of the Board and is applying to survey in a specialized field of practice.

2.7. "Expired Status" means the licensee has failed to meet the requirement for renewal while in delinquent status and must reapply for a new license and meet all of the current experience, education, and examination requirements.

2.8. "FS ~~Exam~~ Examination" means the NCEES Fundamentals of Surveying Examination.

2.9. "Inactive Status" means the licensee has met all the requirements for the current annual renewal period, except for continuing education, and has been granted inactive status and ~~cannot~~ is not permitted to practice as a professional surveyor in West Virginia.

2.10. "License" means a surveying license issued under the provisions of W. Va. Code §30-13A-1 et seq. authorizing a licensee to practice as a professional surveyor for a designated period of time approved by the Board.

2.11. "NCEES" means the National Council of Examiners for Engineering and Surveying.

2.12. "Professional Charge" means a person who holds a current license in active status with the Board and is the lead professional responsible to directly supervise other professionals, technicians or support staff and to affix his or her signature and seal to survey documents.

2.13. "PS" means a licensed Professional Surveyor who has met all of the examination and licensing requirements as set forth in W. Va. Code §30-13A-1 et seq. and is an acronym used after the surveyor's name to indicate ~~he or she~~ they is are a current licensee with the Board.

2.14. "PS ~~Exam~~ Examination" means the NCEES Principles and Practice of Surveying Examination.

2.15. "Responsible Charge" means direct control of work or projects under the direct supervision of a licensee or person licensed as a professional surveyor in a jurisdiction other than WV to engage in the practice of surveying in order to gather, prepare or analyze data, evidence or information that will aid and assist the licensed professional in resolving boundaries or managing data or information regarding other work related to the practice of surveying.

2.16. "Retired Status" means the licensee has applied for and been approved by the Board for retired status and ~~cannot~~ is not permitted to practice as a professional surveyor in West Virginia.

2.17. "SI" means a certified Surveyor Intern who has passed the FS ~~exam~~ examination.

2.18. "SU" means "surface and underground" and is the designation following the license number of a licensee who has met the requirements to be endorsed by the Board as an underground surveyor pursuant to W. Va. Code §30-13A-1 et seq.

2.19. "Technician" means a person who performs technical work related to surveying under the direction of a designated field or office supervisor or a person in responsible charge or licensed professional. Examples of a technician may be, but are not limited to, an instrumentperson, rodperson, drafter or computer operator.

2.20. “WV ~~Exam~~ Examination” means the state-specific West Virginia Professional Surveyors Examination developed by the Board.

§23-1-3. Application and Qualification for Licensure or Certification.

3.1. Applications Generally.

3.1.a. Each application shall be accompanied by an application fee and examination fee determined by the Board as set forth in 23CSR4 et seq.

3.1.b. Any applicant is required to notify the Board within thirty (30) days of any change in name, address, employment, or other relevant information.

3.1.c. In support of an applicant’s ~~statement of~~ experience verification, the Board may require designated records and documentation of surveys made by the applicant.

3.1.d. The Board deems that statements provided as references for an applicant, personal data, and other such information are personal in nature and public disclosure of those statements would constitute an unreasonable invasion of privacy and, therefore, shall be exempt from disclosure under W. Va. Code §29B-1-4 et seq.

3.1.e. The application and associated documents shall be kept as a permanent record, except for any survey documents submitted with the application that justify the applicant’s experience which shall be kept for a maximum of six (6) years.

3.1.f. An applicant may request reconsideration of an application which has been denied when the request is based upon additional information or evidence which could affect the original decision. A request for reconsideration or hearing must be made within fifteen (15) days after the applicant receives notice of the denial of application for licensure.

3.1.g. The Board has the discretion to make exceptions for any applicant who is serving on active duty in the Armed Forces of the United States or who is experiencing physical disability, illness, or other extenuating circumstances.

3.2. Applications.

3.2.a. All applications and related documentation shall be submitted to the Board on forms prescribed by the Board.

~~3.3. Eligible Candidates for SI Certification.~~

~~3.3.a. A person who began his or her survey related education or experience and submitted the proper documentation to the board on or before the thirty first (31st) day of December, 2004, is eligible to apply for the FS exam upon completion of the education and experience or experience requirements.~~

~~3.4. Application for SI Certification.~~

~~3.4.a.~~ 3.3. Education and Experience Reporting.

~~3.4.a.1.~~ 3.3.a. An applicant shall clearly and concisely document his or her survey related education and experience history and list separately the years of education, technical experience and

responsible charge experience with the ~~estimated~~ number of allotted years clearly shown and the sum shall be a minimum of eight (8) years.

~~3.4.a.2.~~ 3.3.b. The applicant shall document a minimum of two (2) years experience in responsible charge of survey related work in order to qualify for examination.

~~3.4.a.3.~~ 3.3.c. The final determination for allotted years for each category shall rest entirely with the Board.

~~3.4.b.~~ 3.4. The degrees and certificates may be awarded the following experience equivalents:

~~3.4.b.1.~~ 3.4.a. Baccalaureate degree with at least 10 credit hours in surveying courses may be substituted for two (2) years experience.

~~3.4.b.2.~~ 3.4.b. Baccalaureate degree with less than 10 credit hours in surveying courses and at least six (6) credit hours of college math and trigonometry may be substituted for one (1) year experience.

~~3.4.b.3.~~ 3.4.c. Associate degree with at least ten (10) credit hours in surveying courses may be substituted for one (1) year experience.

~~3.4.b.4.~~ 3.4.d. Associate degree with less than 10 credit hours in surveying courses and at least six (6) credit hours of college math and trigonometry may be substituted for one-half (1/2) year experience.

~~3.4.b.5.~~ 3.4.e. Surveying specific certificate degree or no degree but at least eight (8) credit hours of surveying courses may be substituted for one-half (1/2) year experience.

~~3.4.b.6.~~ 3.4.f. Related technical certificate degree may be substituted for one-fourth (1/4) year experience.

~~3.4.c. Applicants who have been approved under this subsection, shall begin the examination process on or before December 31, 2012. If the applicant fails to pass any parts of the examination after six (6) attempts then he or she shall make reapplication under the current statutory requirements.~~

~~3.4.d. Applications for licensure under this section shall not be considered after December 31, 2012.~~

3.4.1. Military Education and Experience.

3.4.1.a. In order to meet the education requirement of W. Va. Code §30-13A-1 et seq., military veterans should submit their DD 214 and transcript from the American Council of Education (ACE), which provides a listing of acceptable college credits, based upon the individuals Military Occupational Speciality (MOS), military training, and length of service, to a college or university that will award military credit.

3.4.1.b. Veterans who meet the education requirement of W. Va. Code §30-13A-1 et seq. for licensure, may submit their DD 214 with their application for Board consideration of applicable surveying experience. The Board may award experience comensurate with the veterans rank and years of service.

and determine which experience is creditable towards meeting the responsible charge and technician level requirement in accordance with paragraph 3.3.a of this rule.

3.4.1.c. Veterans who were members of the Selected Reserves of the Armed Forces of the United States may also apply under the provisions of paragraphs 3.4.1.a. and 3.4.1.b. above and submit their DD 214 and/or Report of Separation/Record of Service from the Selected Reserve for awarding of educational and experience consideration.

3.5. Application for PS ~~Licensure~~ Examination.

3.5.a. An applicant shall first apply for and pass the FS ~~exam~~ examination before making application for the next level of examinations.

3.5.b. An applicant shall be an SI in good standing at the time of application.

3.5.c. An applicant shall meet all of the education or experience requirements as set forth in W. Va. Code ~~§30-13A-8~~ §30-13A-1 et seq. and be approved by the Board prior to sitting for the next level of examinations.

3.6. Comity Applicants.

3.6.a. The Board shall honor the acts of licensing, certification or registration of surveyors by licensing agencies in other jurisdictions, and shall license those applicants upon proper application and payment of fees and upon verification(s) from all jurisdiction(s) in which the applicant has been licensed, which are substantially equivalent to those prescribed by W. Va. Code §30-13A-1 et seq. and by rule of the Board, and the other jurisdiction reciprocates the same privileges to applicants who are licensed in ~~WV~~ West Virginia.

3.6.b. When considering a comity applicant, the board shall take into consideration when its licensure qualifications changed and consider the application within that context when reviewing that application for approval.

3.6.b.1. The board shall require a comity applicant, licensed after 2004, to obtain the education requirements as stated in W.Va. Code ~~§30-13A-8(a)(1)(2) or (3)~~ §30-13A-1 et seq. for that applicant's qualifications to be considered substantially equivalent.

3.6.c. Notwithstanding the provisions of subdivision 3.6.a. of this rule, an individual licensed as a professional surveyor in a jurisdiction other than ~~WV~~ West Virginia shall apply for and pass the WV ~~exam~~ examination as a condition precedent to obtaining a license to engage in the practice of surveying in this state.

§23-1-4. Examination for Licensure or Certification.

4.1. Examinations Generally.

4.1.a. The Board will administer at least one (1) WV examination per year at a time and place as determined by the Board.

4.1.b. The scope of the examination and methods of procedure for the FS and PS ~~exams~~ examinations are determined by the NCEES.

4.1.c. The scope of the examination and methods of procedure for the WV ~~exam~~ examination or any other licensing or endorsement examination will be determined by the Board.

4.1.d. An applicant who fails to pass any parts of the examination fewer than six (6) times may reapply at any time to take the failed parts and shall furnish additional information as requested by the Board.

4.1.e. An applicant who fails to pass any parts of the examination for six (6) attempts is precluded from taking any part of the examination for two (2) full years, and may be required to obtain additional educational requirements as determined by the Board. After the passage of the mandatory two-year period and the completion of any additional educational requirements, the applicant shall file a new application under the current licensing requirements as provided in W. Va. Code §30-13A-1 et seq.

4.1.f. An applicant who fails to attend an examination for which ~~he/she~~ they has have been scheduled will forfeit the fee paid for the examination, except, with a request to and approval by the Board, the fee may be applied to the next test administration in the case of illness, death in the family, or other unavoidable causes for absence. Failure of an applicant to attend an examination for which ~~he/she~~ they ~~has~~ have been scheduled does not count as a failure of the examination.

4.1.g. An applicant who does not pass the examination for which they have applied within six (6) years from the date of application shall be required to submit a new application under the current education, experience, and examination requirements as provided in W. Va. Code §30-13A-1 et seq.

4.2. Examination Results.

4.2.a. The Board shall provide notification to an applicant that ~~he or she~~ they passed or failed the examination.

4.2.b. Applicants are not permitted access to, or review of, any examination administered by the Board.

§23-1-5. Survey Certificates and License.

5.1. Certificates and Licenses Generally.

5.1.a. When a certificate or license is lost, stolen, destroyed or mutilated, the Board may issue a duplicate certificate or license upon written request by a licensee in good standing and a payment of a fee as set forth in 23CSR4 et seq.

5.1.b. A licensee or certificate holder is required to notify the Board within thirty (30) days of any change in name, address, employment, or other relevant information.

5.2. Surveyor Intern Certificate.

5.2.a. Whenever the Board finds that an applicant has passed the FS ~~exam~~ examination, it shall issue a SI certificate which shall contain the legal name of the SI, the SI number assigned by the Board

and the expiration date. All certificates shall expire ten (10) years from the passing date of the FS ~~exam~~ examination and cannot be renewed.

5.2.b. A certified SI shall display the certificate issued by the Board at his or her principal place of ~~practice~~ employment.

5.2.c. A person holding a SI certificate ~~may~~ is not be required to pay any fees other than the application and examination fees or a replacement certificate fee as set forth in 23CSR4 et seq. ~~if the certificate is lost, stolen or damaged.~~

5.2.d. Pursuant to W. Va. Code §30-13A-1 et seq., a surveyor-in-training recognized by the Board prior to the first (1st) day of July, 2004 shall for all purposes be considered a Surveyor Intern under this section.

5.3. PS License and Certificate.

5.3.a. Whenever the Board finds that an applicant meets all of the requirements for a license to engage in the practice of surveying, it shall issue the certificate of licensure and the annual license.

5.3.b. All licenses, whether original or renewal, expire on the thirtieth (30th) day of June following the date of issuance or renewal and are ~~void~~ placed in delinquent status without hearing after that date unless renewed in accordance with subsection 5.4 below.

5.3.c. A licensee shall ~~conspicuously display the certificate of licensure and~~ the annual license, issued by the Board, at his or her principal place of practice.

5.3.d. The Board will maintain a current record of those licenses that are in active, inactive, ~~retired~~ or delinquent status. The licenses that have been voluntarily surrendered or in retired, expired or deceased status will be kept as a sedentary record. Sedentary records will not receive renewal mailings or other relevant information from the Board.

5.3.e. A wallet card shall be issued simultaneously with the annual license, to be kept on the licensee's person.

5.4. PS License Renewal.

5.4.a. The Board shall mail to the last known address of every active, inactive, or delinquent licensee, at least thirty (30) days prior to the July first (1st) expiration of a license, notice of the expiration date and the amount of the renewal fee.

5.4.b. A licensee may renew a license without examination upon meeting the continuing education requirements as set forth in 23CSR2 et seq. and submitting an application for renewal on a form prescribed by the Board and payment to the Board of an annual renewal fee as set forth in 23CSR4 et seq.

5.4.c. With supporting documentation, active or inactive licensees may request exemption from the license renewal fee in the following instances: serving on active duty in the Armed Forces of the United States for a period exceeding 120 consecutive days during that license year; experiencing physical disability; illness; or other extenuating circumstances.

~~5.4.e.~~ 5.4.d. The Board may deny any application for renewal for any reason that would justify the denial of an original application for a license.

5.5. PS License Status.

5.5.a. Active Status. A licensee is current in all the licensing requirements and is authorized to practice as a PS professional surveyor and be in professional charge.

5.5.b. Delinquent Status. If a license is not renewed when due it immediately falls into "delinquent" status. The fee shall increase by twenty percent (20%) for each month or fraction of a month that the renewal fee is not paid, up to a maximum of thirty-six (36) months.

5.5.c. Expired Status. If a license is not renewed for a period of thirty-six (36) months it immediately falls into "expired" status and may not be renewed. The fact that a license cannot be renewed because of the expiration of a period of thirty-six (36) months may not prevent a person from making application for a new license by meeting all the education, experience, and examination requirements in effect at the time of ~~reapplication~~ submitting a new application.

5.5.d. Inactive Status. Licensees may apply or reapply for "inactive" status while in active or delinquent status and must pay the annual renewal fee for licensure and any requisite late fees accrued for the license period.

5.5.d.1. The Board shall issue an annual license card noting "Inactive Status" to qualifying applicants.

5.5.d.2. Inactive licensees are not permitted to practice as a professional surveyor or be in professional charge.

~~5.5.d.3. With supporting documentation, inactive licensees may request exemption from the license renewal fee in the following instances: serving on active duty in the Armed Forces of the United States for a period exceeding 120 consecutive days during that license year; experiencing physical disability; illness; or other extenuating circumstances.~~

~~5.5.d.4.~~ 5.5.d.3. Licensees in inactive status are not required to maintain professional development hours (PDHs); however, an inactive licensee who elects to return to the active practice of surveying shall acquire PDHs for up to a maximum of two (2) years' requirements as set forth in 23CSR2 et seq.

~~5.5.d.5.~~ 5.5.d.4. Licensees in inactive status for four (4) years or more must meet the quadrennial requirements for mandatory continuing education for minimum standards and ethics as set forth in 23CSR2 et seq. within the first year of returning to active status.

5.5.e. Retired Status.

5.5.e.1. Licensees who apply for "retired" status shall satisfy the following requirements at the time of application:

5.5.e.1.A. Licensee shall be in active or inactive license status.

5.5.e.1.B. Licensee shall be at least sixty-five (65) years of age, or older, or have a documented physical disability or debilitating illness. Licensees applying for retirement shall be in good standing with the Board before the application will be given consideration.

5.5.e.1.C. Licensee shall certify in writing to the Board that they are no longer practicing as a professional surveyor and agree not to be in professional charge of survey related work in West Virginia.

5.5.e.2. The change in status will be in effect once the application is approved by the Board which will issue a certificate noting the honorific title of "Professional Surveyor, Retired." Licensees that has been granted honorific retired status may use the title "Professional Surveyor, Retired" or "P.S., Retired" but only within the restrictions as set forth in the W. Va. Code and this rule.

5.5.e.3. Licensees in retired status will not be required to pay an annual renewal fee.

5.5.e.4. Licensees in retired status will not be required to meet the continuing education requirements set forth in 23CSR2 et seq.

5.5.e.5. Licensees in retired status who elect to return to the active practice of surveying shall provide a written explanation to the Board justifying their need to be reinstated to active status and satisfy one of the following requirements:

5.5.e.5.A. Licensees who have been in retired status for less than five (5) years shall acquire delinquent professional development hours (PDHs) for each year retired, up to a maximum of two (2) years' requirements as set forth in 23CSR2, and shall pay the current license renewal fee.

5.5.e.5.B. Licensees who have been in retired status for five (5) years or more, except those licensees approved for early retirement due to physical disability or debilitating illness, shall be required to meet all the education, experience and examination requirements in effect at the time of application.

5.5.e.6. The change in status will be in effect when all fees are paid and all requirements are met by the licensee.

5.5.e.7. Licensees in retired status for four (4) years or more shall meet the quadrennial requirements for mandatory continuing education for minimum standards and ethics as set forth in 23CSR2 et seq. within the first year of returning to active status.

5.5.f. Voluntarily Surrendered Licenses.

5.5.f.1. Licensees who choose to voluntarily surrender ~~his or her~~ their license may do so at any time and shall return ~~his or her~~ their license to the Board and upon receipt by the Board shall be placed in expired status.

5.5.f.2. A person who has voluntarily surrendered ~~his or her~~ their license will not be permitted to practice as a professional surveyor or be in professional charge in West Virginia.

5.5.g. Deceased Status. The Board shall place any license or endorsements in deceased status when it learns the licensee has passed away.

§23-1-6. Endorsements and Specialized Fields of Practice.

6.1. Experience and Documentation Requirements.

6.1.a. The Board may require an application and examination fee to cover costs incurred for review, verification and examination of a licensee's qualifications and experience to practice in a specialized field.

6.1.b. The Board may require an applicant or licensee to submit designated records and documentation of surveys to support a claim to experience in a specialized field of surveying and mapping.

6.1.c. The Board may also require an examination on procedures and knowledge on specialized fields of surveying and mapping.

6.2. Surface and Underground (SU) Endorsement.

6.2.a. For licensees seeking an endorsement to engage in underground surveying, the Board may require designated records and documentation of underground surveys to support an applicant's claim of experience.

6.2.b. A licensee must receive the "SU" endorsement before affixing ~~his or her~~ their signature and seal on any documents associated with underground surveying.

6.2.c. Underground surveys and maps shall comply with the requirements in W. Va. Code §22A-2-1 et seq.