

WEST VIRGINIA STATE BOARD
OF EXAMINERS OF LAND SURVEYORS

FILED

PROPOSED

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RULES AND REGULATIONS
GOVERNING THE PRACTICE OF LAND SURVEYING

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective July 1, 1985

Note: Contained herein are the rules and regulations of the State Board of Examiners of Land Surveyors. These rules and regulations repeal and supersede all previous rules and regulations adopted by the Board prior to September 4, 1969.

These rules and regulations were adopted September 4, 1969 and further amended June 4, 1976, February 23, 1981, and August 15, 1984.

Pursuant to Chapter 30, Article 13A, Code of West Virginia, the State Board of Examiners of Land Surveyors herein referred to as the Board, hereby establishes rules and regulations governing the licensing for and practice of land surveying effective July 1, 1985.

The Board has expressly declared and does consider that the profession of land surveying is a learned profession, and each practitioner of the said profession (hereinafter identified as the professional) is to be held accountable to the State and to the public by high professional standards in keeping with the ethics and practices of the other learned professions in this State. Accordingly, the standards of practice outlined in these Rules and Regulations are to be considered as MINIMUM STANDARDS OF PRACTICE. The application of technically up-to-date equipment, methods, or procedures in professional practice is encouraged and endorsed by the Board of Examiners.

West Virginia State Board
of Examiners of Land Surveyors

Introduction

On February 17, 1984, a public hearing was held by the West Virginia State Board of Examiners of Land Surveyors pursuant to and in accordance with the requirements of Chapter 20, Article 3, Section 1, of the West Virginia Code of 1931, as amended. The Hearing was held in Circuit Court Room, Romney, Hampshire County, West Virginia. The purpose of the Hearing was to amend and promulgate the current rules and regulations. The meeting was recorded by a court reporter and presided over by Nelson McCoy, Chairman of the Board. The time, place, and purpose of the meeting had been previously published in accordance with law.

The Hearing was convened as scheduled at 10:00 a.m. on February 17, 1984. Two Board members were present. All persons present were given an opportunity to be heard on the amendments to the regulations. Both written and oral comments were received regarding the amendments to regulations of the Board. The name of the speaker and comments were recorded in the formal record of the meeting which has been prepared by the court reporter.

A copy of the regulations were filed with the Secretary of State on January 12, 1984, and was effective on

A transcript of the public hearing may be examined at the office of the Board, 34 West Main Street, Romney, West Virginia.

West Virginia
ADMINISTRATIVE REGULATIONS

State Board of Examiners of Land Surveyors
34 West Main Street
Romney, West Virginia 26757

Chapter 30-13A, Series I, (1969) as amended

SUBJECT: RULES AND REGULATIONS FOR THE
PRACTICE OF LAND SURVEYING IN W. VA.

SECTION 1 - General

1.01 Statutory Authority. These Rules and Regulations are promulgated by the State Board of Examiners of Land Surveyors under authority of Chapter 30, Article 13A, Section 4(a) of the West Virginia Code.

1.02 Temporary Board Office: 34 West Main Street, Romney, West Virginia.

1.03 Filing Date: These rules and regulations were filed in the office of the Secretary of State on the 4th day of June 1976, the 23rd day of February 1981, and the 12th day of January, 1984.

1.04 Effective Date: 1st. day of July, 1985.

SECTION 2 - General Purpose

2.01 These Rules and Regulations with the Minimum Standards of Practice for the performance of Boundary Surveys are promulgated for the purpose of administration and enforcement of Chapter 30, Article 13A of the West Virginia Code.

SECTION 3 - Satisfactory Records

3.01 Satisfactory Records, shall include plats, descriptions of surveys, certificates or reports of surveys, field notes, calculations for latitude, departure, coordinates, area, variation, observation for true meridian and other related records. The application of the Land Surveyor's seal and signature shall be evidence that the boundary survey is correct to the best of the Land Surveyor's knowledge and belief, and complies with the minimum procedures and standards established herein.

3.02a. Land Records Research Procedures:

The land surveyor shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The land surveyor shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known to him/her. Evidence found, from all sources, shall be carefully compared with that located and found by field survey in order to establish the correct boundaries of the land being surveyed. It is not the intent of this rule to require the land surveyor to research the question of title or encumbrances on the land involved.

3.02b. Minimum Field Procedures:

(1) Angular Measurement:

Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted instrument which allows a direct reading to a minimum accuracy of one minute (1') of arc or metric equivalent.
The number of angles turned at a given station or corner will be the number which, in the judgement of the land surveyor, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

(2) Linear Measurement:

Distance measurement for the lines of traverse of boundary surveys shall be made with metal tapes which have been checked and are properly calibrated during manufacture and include incremental distances, or with properly calibrated electronic distance measuring equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

SECTION 4 - Experience

4.01 The Board will consider ~~adequate experience under a supervisor to include the subjects in Section 6 of these Rules and Regulations:~~ satisfactory or approved experience as diversified practical training in land surveying as defined in Section Two, Article Thirteen-a, Chapter Thirty of the Code of West Virginia under the direct supervision of a licensed land surveyor, such experience shall be acquired in positions of responsibility requiring exercising of independent judgment, initiative, and professional skill. Approved experience shall not include positions of routine work such as chainman or rodman.

SECTION 5 - Examinations

5.01 The content of examinations will be taken from the subjects in Section 6 of these Rules and Regulations.

SECTION 6 - Accredited Surveying Curricula

6.01 The Board will be guided in accrediting survey curricula by the extent to which the following subjects are included in said curricula.

6.02 At least two years instruction are required to cover the subject of land surveying, with at least 60 semester credit hours. The curricula should cover the following subjects:

6.03 Mathematics to meet land survey needs, including arithmetic, algebra, plane geometry, trigonometry, functions and formulas, logarithms, triangulation, square roots, latitudes, departures, coordinates, curves, area, significant figures, accuracy, precision, theory and probability and kinds of errors, elementary data and statistical analysis, interpolations, omitted measurements, drainage calculations, and partitioning, sufficient to supplement high school deficiencies.

6.04 English, spelling, grammar, writing, speaking, and typing, sufficient to supplement high school deficiencies.

6.05 Ethics and public relations for surveyor. Responsibilities to the public, clients, adjoining, and to the profession.

6.06 Legal and historical aspects of surveying. Records of ownership and transfer of title, controlling elements, adverse possession, ejectment, seniority, resurveys, surplus and deficiency, riparian rights, meander lines, metes and bounds surveys, U.S. Public Land survey system, laws, ordinances, and rules for surveys and subdivisions, liability for trespass, witnessing in court, handling of disputes, boundary line agreements, authority of surveys.

6.07 Preliminary procedures. Record sources, searches, abstracts, platting, detection and adjustment of errors, ground evidence.

6.08 Survey equipment capabilities, use and care. Compass, transit, electronic devices, clinometer, stadia, plane table, level, tapes, rods, plumb bob, verniers, notebooks, and small tools.

6.09 Field methods, Rural lands, city lots, subdivisions, underground, oil and gas well, surface mines, rights-of-way, title insurance surveys, hydrographic, topography, Public Lands, field notes, precisions, accuracies, bypassing obstacles, route and construction surveying.

6.10 Plotting, drafting, mapping. Equipment, methods, material, scales, sheet sizes, recordability, conventional symbols.

6.11 Calculations. Latitude, departure, DMD's, coordinates, areas-
curves, inversing and intersections. Balancing latitudes and departures,
errors of closure. Calculating equipment.

6.12 Reports. Descriptions, certificates, reports. Distribution
and recordability.

6.13 Meridian observations. On sun and Polaris for true north, in-
cluding magnetic declination and variation. ~~Declination and variation of~~
~~the magnetic needle.~~

6.14 Monumentation. Markers for corners and references; marking of
lines.

6.15 Photogrammetry. Use and interpretation of aerial photos for
locating corners, possession lines, distances. Stereoscopes; distortion.

6.16 Miscellaneous. Tree and wood identification, geology, pacing.

6.17 Field work. A ~~four-week-program~~ curriculum covering rural,
city lot; ~~and underground surveys.~~ surveying and Meridian observations.
Also included will be curves and construction stake out including route
survey procedures. ~~Meridian observations, needle declinations and variations.~~

SECTION 7 - Unethical Practices

7.01 Signing or affixing a seal to any document prepared by persons
who are not employees or who are not under supervision of the licensees as
defined in Chapter 30, Article 13A, Section 5 of the West Virginia Code.

7.02 Accepting, paying, or offering to pay, either directly or indir-
ectly, any gift, bribe, or other consideration to make an improper survey.

7.03 Associating with any survey project known by the licensee to be
fraudulent or dishonest in character: or unlawful.

7.04 Failing to exercise due regard for the safety of persons under
supervision of the licensee.

7.05 Violating, aiding or abetting any person in the violation of any

provision of the West Virginia Code related to the practice of land surveying or any of the Rules and Regulations promulgated by the Board.

7.06 Injuring or attempting to injure, falsely or maliciously directly or indirectly, the reputation or business of another surveyor.

7.07 Reviewing the work of another land surveyor for the same client, except with the knowledge of such surveyor, or unless the connection of such surveyor with the work has been terminated.

7.08 Calling, naming, describing, designating or otherwise alleging that any service performed by a licensed land surveyor or any person under the supervision of said surveyor, is a survey, land survey, mortgage survey, loan survey, title insurance survey or similar wording, unless the service is performed in accord with the provisions of Article 13A of Chapter 30 of the Code of West Virginia of the regulations promulgated thereunder. ~~If the work is described as a mortgage inspection or similar title, state in the title block or other visible place that "This is not a land survey".~~

7.09 Signing, sealing or approving plats, descriptions or reports that are not in accord with Article 13A of Chapter 30 of the Code of West Virginia of any reasonable rule or regulation promulgated by the board, nor any documents that were not prepared under supervision of the person responsible.

7.10 Failing to respond within 30 days to written communications from the board and to make available any records relevant to any inquiry or complaint about the licensee's professional conduct. The 30-day period shall begin on the date when such communication was sent by the board by certified mail with return receipt requested to the last known address of the surveyor.

7.11 Advertising that is false, fraudulent, deceptive, misleading or unlawful.

7.12 Accepting and undertaking to perform land survey services which the surveyor is not competent to perform.

~~7.13--Failing-to-give-adequate-supervision-to-subordinates.~~

SECTION 8 - Field and Office Techniques

~~8.01--The-surveyor-shall-use-the-proper-equipment,-methods,-and-precisions-for-the-job-to-be-done-in-the-field-and-office.~~

8.02 8.01 The surveyor shall examine, ~~to-a-reasonable-limit,~~ all land records and field survey data essential to performing the work, including establishing the property lines. Indication of laps, gaps, seniority, and errors must be considered. The surveyor shall study and give due weight to descriptions and other evidence for all properties adjoining or affecting the survey. Records of such evidence shall be kept on file.

8.03 8.02 Inform adjoiners of survey plans, progress and results as fully as whenever possible.

~~8.04--Consider-proper-calculations-for-magnetic-variation-when-retracing lines-that-have-been-surveyed-before.~~

~~8.05--Express-final-line-distance-in-horizontal-terms.--If-necessary to-show-surface-distances,-put-in-parenthesis,-and-include-the-word-"surface".~~

8.06 8.03 Bearings of new subdivision lot lines shall will be from the true (astronomic) meridian, if required. Bearings of other surveys may be from magnetic or true, but if true, it shall be so stated on the plat and in the description. Grid north of the West Virginia Coordinate System may be shown on plats. It is essential that the meridian reference used identifies the date and year.

~~8.07--New-or-re-established-markers-shall-be-of-the-most-permanent-type practicable,-and-shall-be-selected-or-installed-so-as-to-be-most-easily found-in-future-years.--Monuments-shall-be-adequately-marked,-referenced~~

and described. As a minimum, at least one corner shall be referenced to three of the most permanent objects available. No wood stakes shall be left as permanent property markers. In subdivisions, two stone or concrete monuments, not less than 24" long by 6" square or in diameter at the top, with proper centers shall be set in each block so that all street lines can be re-established. In addition, iron pipes or equally good markers shall be set at all other outside points of angles, curves and tangents and at any staked lot corners.

8.08--Property lines shall be marked whenever possible. In wooded areas, by two hacks facing each side of the line within general reach of the person who marks. In open areas, markers or monuments should be intervisible.

8.09--Error of closed traverse shall be calculated by latitude and departure or by coordinates, unless errors can be determined visually by plotting or by inspection.

8.10--Areas of closed travers shall be calculated by two methods:

(a)--Either triangles or planimeter, and

(b)--Double meridian distances or coordinates, unless, as in the case of regularly shaped areas, it can be found by other calculations.

8.11--Plats should be clear, show the results of the work, and be suitable for recording and photocopying. Boundary lines of the property surveyed shall be solid and heavier than tie lines, which shall be solid or dashed, but lighter and narrower.

8.12--Guides for the accuracy of surveys to be striven for are:

CLASS	ERROR OF CLOSURE	THEORETICAL UNCERTAINTY	
		Feet	mm
Rural	1:1500	1.00	300
City lot	1:5000	0.10	30
Underground	1:5000	0.10	30

Subdivision--(urban)	1-7500	0-10	30
Commercial	1-00000	0-05	15

PRECISION-OF-MEASUREMENT

CLASS	BEARINGS	DISTANCES		VERTICAL ANGLES
		Feet	mm	
Rural	5'	0-20	60	15'
City-lot	1'	0-01	3	05'
Underground	1'	0-01	3	02'
Subdivision--(urban)	1'	0-01	3	02'
Commercial	1'	0-01	3	01'

8.04 The maximum permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one (1) foot in five thousand (5,000) feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one (1) foot in ten thousand (10,000) feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure.

8-13 8.05 Oil and gas well location surveys shall comply with Chapter 22, Article 4, Section 2 of the West Virginia Code of the Rules and Regulations promulgated thereunder.

8.06 The computation of field work data shall be accomplished by using mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

8.07 The following information shall be shown on all plats and/or maps used to depict the results of the boundary survey:

a. The title of the boundary plat shall identify the land surveyed

and show the district and county or city in which the land is located. A caption or heading stating: "Plat of Survey of (or for) ... or some similar wording. Date of plat and revisions, name, address, signature, and seal of the surveyor in charge. Certificates that may be required. The name of any surveyor-in-training in charge of the work under supervision of the licensee may be shown."

- b. The owner's name and deed book referenced where the acquisition was recorded.
- c. Names of all adjacent owners, including their deed book and page number and/or subdivision lot designations.
- d. Names of highways and roads with route numbers, railroads, streams adjoining or running through the land, and other prominent or well-known objects or areas which are informative as to the location of the boundary survey.
- e. Bearings of all property lines to nearest ten seconds (10") of a metric equivalent.
- f. Distances of all property lines to nearest one hundredth (.01) of a foot or metric equivalent.
- g. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.
- h. North arrow and source of meridian used for the survey.
- i. On interior surveys a reference distance and bearing to at least two property corners of the parent tract.
- j. Tax Map designation and parcel number if available.
- k. Indication and description of each monument found and each monument set by the land surveyor.

- l. The certificate required by these regulations that has been signed, dated and sealed by the land surveyor performing the survey.
- m. In all cases overlaps, encroachments or gaps shall be shown.
- n. A statement that the boundary survey shown is based on a current field survey; or that the land boundaries shown on the plat are the result of a compilation from deed and/or plats by others.

8.08 Monumentation:

- a. Each boundary survey of a tract or parcel of land shall be monumented at all corners with objects made of permanent material. Each such monument set shall have attached a metal or plastic cap with the name and license number of the surveyor. Where it is not feasible to set actual corners appropriate reference corners shall be set preferably on line and the location of each shown on the plat or map of the boundary. All reference corners shall show location by bearing and distance to the property corner. When a property line passes through a wooded area "line trees" may be blazed or other trees within three feet of the property line may be marked by two hacks facing the line. Permission of adjoining owners should be obtained prior to the marking trees located on the adjoining property. However, if the property line is already marked by fences or other definite structures additional marking is not required.
- b. Subdivision surveys shall be monumented in accordance with local ordinances, regulation and state law.

SECTION 9--Plats--Plats Shall Contain The Following Data:

9.01--State-Country, and-District where the land is located.--if applicable, the-City, Subdivision, Addition, Block, and-Lot-Number.

9.02--Deed-book, plat-book, page-number or other place where the deed, plat or other instrument covering the land, is recorded or found.

9.03--Names of adjoining owners with lot numbers, deed-book and page numbers or other place where their deed, plat or other instrument is recorded or found.

9.04--Overlaps, encroachments or gaps.

9.05--Type of markers at corners, and if artificial, whether found (fd) or set.--Reference markers optional provided they are in the description. For rural surveys, show bearing and distance ties to at least two parent tract corners or significant adjoining corners.--For city lots, show bearing and distance to original markers in the block or to edge of three nearest streets, including half or full street width dimensions, and to other significant property markers.--For subdivisions, in addition to those described above, show ties to at least two markers of any adjoining subdivisions and to any public triangulation stations in the vicinity.

9.06--For rural and subdivision surveys, show the magnetic and true (astronomic) north arrows, the amount and direction of the declination as of the year of survey and for the instrument used for the survey, and the location where the instrument declination was read.--Said location shall be described so a future surveyor may go to that spot and read the declination on the instrument and thus calculate the variation that has occurred since the original or former survey.--Arrows on rural and subdivision plats shall be platted within about $\frac{1}{4}$ degree of accuracy.

9.07--Bearings, distances, curve data (central angle, radius, arc and chord) and other measurements shall be shown with an accuracy consistent

with the field equipment, methods and precision employed. -- Show comparative conflicting data if significant, in parenthesis or other way. -- Enough dimensions shall be shown to enable all omitted dimensions to be determined by inspection or calculation.

9.08 -- Bearings shall be clockwise if practicable.

9.09 -- Scale of the plat showing inch first and its equivalent last.

9.10 -- Area of the entire tract and of any significant parts. -- Total subdivision area shall include streets, alleys, and other non-lotted space. Accuracy of area figures shall be consistent with field methods employed.

9.11 -- Significant cultural, topographical or other relevant features. These may include buildings, utility facilities, pipelines, easements, fences, walls, driveways, watercourses, certificates with prescribed wording, etc.

9.12 -- Sheet and parcel number of tax map for the tract surveyed or of the parent tract whenever practicable.

9.13 -- On rural and subdivision plats, show general location of survey by -- (1) an insert sketch, or -- (2) by an arrow and approximate mileage to a landmark, or -- (3) by latitude and longitude of a specific corner by sealing from a 7¹/₂' quadrangle to the nearest 2 or 3 seconds. -- City lots are located from three nearest streets.

9.14 -- Month and year of survey. -- Show day if desirable.

9.15 -- A caption of heading stating: -- "Plat of Survey of (or for) ---" or some similar wording. -- Date of plat and revisions, name, address, signature, and seal of the surveyor in charge. -- Certificates that may be required. -- The name of any surveyor-in-training in charge of the work under supervision of the licensee may be shown.

9.16 -- Comply with metric measurement requirements.

SECTION ~~10~~ 9 - Description of Property Boundary Line Surveys

~~10-01~~ 9.01 The preamble shall contain the District, County, and State where the land is located, and if practicable, the watershed and location in relation to a well-known landmark.

~~10-02~~ 9.02 The body of the description shall contain: type, size and markings of monuments, and whether found or set; type, size, bearing and distance to reference markers; bearing and length of lines; names of present or former adjoiners at corners or along lines; the point on lines where significant markers or features are located; acreage; name of surveyor in charge; date of survey; and a reference to the accompanying plat. If bearings are from the true (astronomic) meridian, it should be so stated. Show calls in tabular form, starting each new paragraph with the bearing.

~~10-03~~ 9.03 The closing or "being" clause should contain data relating to the legal source of title to the land, or the land of which it is a part, such as the name of the grantor and grantee, date of deed, book and page number in the proper County Clerk's Office or other location.

SECTION ~~11~~ 10 - Description of Other Surveys

~~11-01~~ 10.01 Descriptions of other surveys shall conform to the requirements of the work.

SECTION ~~12~~ 11 - Certificate or Report of Survey

11.01 The surveyor shall furnish to the client or employer, plats and descriptions of the work performed, ~~along with~~ and may provide a certificate or report stating that he has made the survey, plat and description, giving the date surveyed, and describing all unusual circumstances, including ~~the weight given to conflicting evidence, any encroachments,~~ overlaps or gaps and how they were resolved; names of adjoiners

contacted and the information they supplied; the distribution of plats, descriptions, and reports; and the date of the certificate, and the signature, address and seal of the surveyor.

11.02 A minimum certificate of the survey shall be furnished to the client or employer by plat of survey including the following certification:
I CERTIFY THAT THIS PLAT OF SURVEY REFLECTS THE BOUNDARY OF THE PROPERTY,
BASED ON DEED OF RECORD AND/OR OTHER EVIDENCE AND IS CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF AND COMPLIES WITH ALL LAWS, RULES AND REGULATIONS
GOVERNING THE PRACTICE OF LAND SURVEYING IN THE STATE OF WEST VIRGINIA.

SECTION ~~13~~ 12 - Underground Surveys and Maps

~~13-01~~ 12.01 Underground surveys and maps shall comply with the requirements in Chapter 22, Article 2, Section 1 of the West Virginia Code.

SECTION ~~14~~ 13 - Competency

~~14-01--Competency-in-the-practice-of-land-surveying-includes,-but~~
~~is-not-limited-to,-compliance-with-the-provisions-of-Sections-8,-9,-10,-~~
~~11,-12-and-13-of-these-Rules-and-Regulations-~~

13.01 Failure to comply with any of the provisions of Sections 8, 9,
10, 11 and 12 of these Rules and Regulations may be considered a negligent
act and shall be cause for suspension and/or revoking a license to practice
land surveying in this State.

SECTION ~~15~~ 14 - License by Comity

~~15-01~~ 14.01 The Board recognizes the principle of comity with other states and countries, and ~~will~~ may honor the ~~acts~~ actions of licensing agencies

in those jurisdictions, provided said acts are at least equivalent to the requirements set forth in these Rules and Regulations.

SECTION ~~16~~ 15 - Compensation and Expenses of the Board

~~16-01~~ 15.01 The Board hereby sets a rate of ~~\$4.00~~ \$6.00 per hour for the time of its members while performing official work ~~of~~ for the Board.

~~16-02~~ 15.02 The Board hereby sets a rate established by the Governor for the use of its personal vehicles in official travel of Board members.

FILING OF ADMINISTRATIVE REGULATIONS

References are to Sections in W. Va. Adm.

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1 Bill 25

H. B. 1770

2 Delegate Casey

3 (By _____)

4 (Introduced February 5, 1986; referred to the

5 Committee on Government Organization with the direc-

6 tion that it later be referred to the Judiciary.]

7
8
9
10 A BILL to amend article two, chapter sixty-four of the code of
11 West Virginia, one thousand nine hundred thirty-one, as
12 amended, by adding thereto a new section designated section
13 thirty(thirteen-a)(one), relating to authorizing the state
14 board of examiners of land surveyors to promulgate
15 legislative rules governing the practice of land surveying.

16 Be it enacted by the Legislature of West Virginia:

17 That article two, chapter sixty-two of the code of West
18 Virginia, one thousand nine hundred thirty-one, as amended, be
19 amended by adding thereto a new section, designated section
20 thirty(thirteen-a)(one), to read as follows:

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
22 LEGISLATIVE RULES.

23 §64-2-30(13a)(1). State board of examiners of land surveyors.

24 The legislative rules filed in the state register on the
25 eighth day of March, one thousand nine hundred eighty-five,
26 modified by the state board of examiners of land surveyors to

1770

1 meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the twelfth day of
3 November, one thousand nine hundred eighty-five, relating to the
4 state board of examiners of land surveyors (governing the
5 practice of land surveying) are authorized, with the amendments
6 set forth below:

7 Page 7, section 8.4, by striking all of section 8.4, and
8 inserting in lieu thereof a new section 8.4, to read as follows:

9 "8.4.1 Bearings of new subdivision lot lines shall be from
10 the true (astronomic) meridian.

11 8.4.2 In accordance with the provisions of W. Va. Code, §37-
12 12-1, bearings of lines for lands which have been surveyed before
13 shall be by the magnetic meridian, but the surveyor making such
14 survey shall return and certify in his plat the degree of
15 variation of the magnetic needle from the true meridian, at the
16 time of the resurvey; and also (if the same can be done) the
17 degree of such variation at the time of the original survey.

18 or at any time subsequent thereto, the Legislature amends the
19 applicable Code section or sections to authorize surveys other
20 than new subdivision lot lines to be from magnetic or true, then
21 notwithstanding the provisions of 8.4.2 above, this legislative
22 rule shall be construed, from the effective date of such
23 amendment, to authorize such surveys to be from magnetic or true,
24 but if true, it shall be so stated on the plat and in the
25 description.

1 8.4.4 Grid north of the West Virginia Coordinate System may
2 be shown on plats.

3 8.4.5 Meridian reference used in surveys shall be identified
4 by the date and year."

5 Page 16, section 13, by striking all of section 13, and
6 inserting in lieu thereof a new section 13, to read as follows:

7 "13. Suspension or Revocation of License to Practice Land
8 Surveying.

9 13.1 Upon a finding by the board that a person holding a
10 license to practice land surveying has been incompetent, grossly
11 negligent, or guilty of fraud, deceit or other misconduct in the
12 practice of land surveying as defined by these rules and
13 regulations, the board shall suspend or revoke such person's
14 license. Whether one or more violations of these rules and
15 regulations constitutes a basis for suspension or revocation
16 shall be a question of fact to be determined in each particular
17 case.

18 13.2 As used in these rules and regulations:

19 "Incompetent" means lacking in ability, legal qualification,
20 or fitness to discharge a required duty.

21 "Grossly negligent" means intentionally failing to perform a
22 manifest duty in reckless disregard of the consequences as
23 affecting the life or property of another; such a gross want of
24 care and regard for the rights of others as to justify the
25 presumption of wilfulness and wantonness."
26

1
2
3 NOTE: The purpose of this bill is to authorize the state
4 board of examiners of land surveyors to promulgate legislative
5 rules governing the practice of land surveying.
6

7 This section is new; therefore, strike-throughs and
8 underscoring have been omitted.
9

1 Bill 25

SENATE BILL NO. 453

2 (By Senator R. Williams

3
4 [Introduced February 3, 1986

5 referred to the Committee on Government Organization;
6 to the Committee on the Judiciary

7
8
9
10 A BILL to amend article two, chapter sixty-four of the code of
11 West Virginia, one thousand nine hundred thirty-one, as
12 amended, by adding thereto a new section designated section
13 thirty(thirteen-a)(one), relating to authorizing the state
14 board of examiners of land surveyors to promulgate
15 legislative rules governing the practice of land surveying.

16 Be it enacted by the Legislature of West Virginia:

17 That article two, chapter sixty-two of the code of West
18 Virginia, one thousand nine hundred thirty-one, as amended, be
19 amended by adding thereto a new section, designated section
20 thirty(thirteen-a)(one), to read as follows:

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
22 LEGISLATIVE RULES.

23 §64-2-30(13a)(1). State board of examiners of land surveyors.

24 The legislative rules filed in the state register on the
25 eighth day of March, one thousand nine hundred eighty-five,
26 modified by the state board of examiners of land surveyors to

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1 meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the twelfth day of
3 November, one thousand nine hundred eighty-five, relating to the
4 state board of examiners of land surveyors (governing the
5 practice of land surveying) are authorized, with the amendments
6 set forth below:

7 Page 7, section 8.4, by striking all of section 8.4, and
8 inserting in lieu thereof a new section 8.4, to read as follows:

9 "8.4.1 Bearings of new subdivision lot lines shall be from
10 the true (astronomic) meridian.

11 "8.4.2 In accordance with the provisions of W. Va. Code, §37-
12 12-1, bearings of lines for lands which have been surveyed before
13 shall be by the magnetic meridian, but the surveyor making such
14 survey shall return and certify in his plat the degree of
15 variation of the magnetic needle from the true meridian, at the
16 time of the resurvey; and also (if the same can be done) the
17 degree of such variation at the time of the original survey.

18 or at any time subsequent thereto, the Legislature amends the
19 applicable Code section or sections to authorize surveys other
20 than new subdivision lot lines to be from magnetic or true, then
21 notwithstanding the provisions of 8.4.2 above, this legislative
22 rule shall be construed, from the effective date of such
23 amendment, to authorize such surveys to be from magnetic or true,
24 but if true, it shall be so stated on the plat and in the
25 description.

1 8.4.4 Grid north of the West Virginia Coordinate System may
2 be shown on plats.

3 8.4.5 Meridian reference used in surveys shall be identified
4 by the date and year."

5 Page 16, section 13, by striking all of section 13, and
6 inserting in lieu thereof a new section 13, to read as follows:

7 "13. Suspension or Revocation of License to Practice Land
8 Surveying.

9 13.1 Upon a finding by the board that a person holding a
10 license to practice land surveying has been incompetent, grossly
11 negligent, or guilty of fraud, deceit or other misconduct in the
12 practice of land surveying as defined by these rules and
13 regulations, the board shall suspend or revoke such person's
14 license. Whether one or more violations of these rules and
15 regulations constitutes a basis for suspension or revocation
16 shall be a question of fact to be determined in each particular
17 case.

18 13.2 As used in these rules and regulations:

19 "Incompetent" means lacking in ability, legal qualification,
20 or fitness to discharge a required duty.

21 "Grossly negligent" means intentionally failing to perform a
22 manifest duty in reckless disregard of the consequences as
23 affecting the life or property of another; such a gross want of
24 care and regard for the rights of others as to justify the
25 presumption of wilfulness and wantonness."
26

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2
3 NOTE: The purpose of this bill is to authorize the state
4 board of examiners of land surveyors to promulgate legislative
5 rules governing the practice of land surveying.
6

7 This section is new; therefore, strike-throughs and
8 underscoring have been omitted.
9