

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2006 JUN -1 A 9 21

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Professional Surveyors TITLE NUMBER: 23

RULE TYPE: Legislative CITE AUTHORITY: 30-13A-5; 30-1-7a

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 4

TITLE OF RULE BEING PROPOSED: Fees

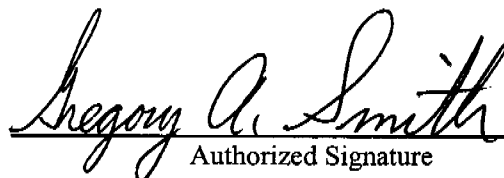
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 5, 2006 AT 5 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Board of Professional Surveyors

P. O. Box 390

Flatwoods, WV 26621-0390

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 23 CSR 4 - Fees

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: WV Board of Professional Surveyors

Address: P. O. Box 390
Flatwoods, WV 26621-0390

Phone Number: 304-765-0315 Email: wvbps@mail.state.wv.us

Fiscal Note Summary

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

There are no increases or decreases proposed in fees listed in this proposed rule.

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	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Equipment			
Other			
2. Estimated Total Revenues			

Rule Title: 23 CSR 4 - Fees

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Not applicable.

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.

Not applicable.

Date:

5-31-06

Signature of Agency Head or Authorized Representative

Gregory A. Smith

CHAIRMAN
Gregory A. Smith

SECRETARY
Leon K. Spencer

Mark H. Hornish

Roy E. Shrewsbury, II

Anthony J. Sparacino, Jr.

**STATE OF WEST VIRGINIA
BOARD OF PROFESSIONAL SURVEYORS**

Mailing address: P. O. Box 390, Flatwoods, West Virginia 26621-0390

Courier address: 2298 Sutton Lane, Flatwoods, West Virginia 26621

Telephone (304) 765-0315

Fax (304) 765-0316

wvbps@mail.state.wv.us



The creation of the Series 4 rule will consolidate the fees charged by the Board that were either in Series 1, established by prior Board actions or based on current Board policy. The table format for the Fee Schedule, §23-4-5, will help to organize and simplify the process. No fee increases are reflected in Series 4.

**TITLE 23
LEGISLATIVE RULE
BOARD OF PROFESSIONAL SURVEYORS**

FILED

2006 JUN -1 A 9 21

**SERIES 4
FEES**

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

§23-4-1. General.

1.1 Scope. This rule is promulgated by the Board of Professional Services to establish fees payable to the Board for various services.

1.2. Authority. W.Va. Code §30-13A-5(13)

1.3. Filing Date.

1.4. Effective Date.

§23-4-2. Application of Rule.

2.1. This rule applies to all applicants for licensure, all professional surveyors and all firms holding a certificate of authorization pursuant to §30-13A-1 et seq.

§23-4-3. Definitions

3.1. "Application fee" means a nonrefundable fee that is due at the time the initial application is submitted. Applications received without requisite fees are returned by the Board as incomplete.

3.2. "Initial licensing fee" means a fee that is due when a new license is issued following the fall licensing examinations, with approximately 6 months of the license cycle remaining.

3.3. "Returned check fee" means an administrative fee for a payment made by a check that is returned due to insufficient funds, account closure or other failure to negotiate payment.

§23-4-4. Payment of Fees

4.1. All fees are payable to the West Virginia Board of Professional Surveyors. Fees shall be paid by check or money order, or credit card, if available.

4.2. All fees paid to the board are nonrefundable.

§23-4-5. Fee Schedule

The Board of Professional Surveyors hereby establishes the following schedule of fees for services rendered by the Board:

Application/Examination Fees:

Surveyor Intern (NCEES Fundamentals exam)	
Application/Examination fee	\$150.00
Reapplication/Reexamination fee	\$150.00
Professional Surveyor (NCEES Principals and Practice exam)	
Application/Examination fee	\$300.00
Reapplication/Reexamination fee	\$300.00
Professional Surveyor (WV State-specific exam)	
Application/Examination fee	\$200.00
Reapplication/Reexamination fee	\$200.00
Underground Endorsement	
Application/Examination fee	\$200.00

License Fees:

Initial licensing Fee for new licenses issued following fall examination	\$ 50.00
Professional Surveyor annual renewal fee	\$100.00
Late fee (20% of annual license fee) if postmarked after June 30 for each month or partial month that license remains unpaid (up to 36 months)	\$ 20.00
Reprocessing fee (for illegible or incomplete applications)	\$ 20.00
Licensure verifications requested by other states' boards	\$ 25.00

Certificate of Authorization Fees:

Application fee	\$100.00
Annual renewal fee	\$100.00
Late fee (20% of COA renewal fee) if postmarked after December 31 for each month or partial month that COA remains unpaid	\$ 20.00

Miscellaneous:

Roster for vendor marketing purposes	\$100.00
Returned Check fee	\$ 30.00
Copy records:	
Letter, legal and 11"x17" paper	\$ 0.50/page
Survey plats (blueprint)	\$ 10.00 minimum/\$2 sq. ft.
Archival research	\$ 25.00/hour
Continuing education video tapes (6 or 8 professional development hours)	\$100.00
Administrative fee for subsequent demand or inquiry following a licensee's failure to respond to, or comply with, a request, inquiry, or order from the Board	\$500.00

§23-4-6. Assessment of Costs in Disciplinary Actions

6.1. Pursuant to W. Va. Code §30-1-8, the West Virginia Board of Professional Surveyors may assess, and require payment from, a licensee for reimbursement of the administrative expenses incurred by the Board in the course of disciplinary proceedings against the licensee. These expenses may include, but are not limited to, the costs of investigation, legal notices, and other correspondence, legal fees, witness fees, and administrative time expended by the Board's members, staff, consultants or contractors.