

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND**

ADMINISTRATIVE LAW DIVISION

Form #4

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2007 DEC 19 PM 1:34

OFFICE OF THE
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Professional Surveyors TITLE NUMBER: 23

CITE AUTHORITY: 30-13A-5

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

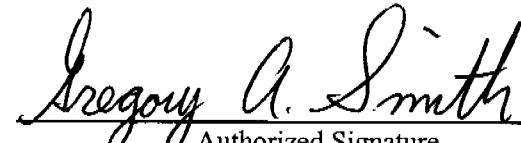
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Fees for Surveyors and Surveying Firms in West Virginia

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature
Gregory A. Smith, Chairman

\$3.40

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for Surveyors and Surveying Firms

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.

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	221,000.00	221,000.00	221,000.00

Rule Title: _____

Rule Title:

Fees for Surveyors and Surveying Firms

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

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

With the return of the license and certificate of authorization fees to their current levels, any increase in revenues as a result of the modified rule will be negligible.

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.

Date: December 19, 2007

Signature of Agency Head or Authorized Representative

Gregory A. Smith

Gregory A. Smith, Chairman

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

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**SERIES 4
FEES FOR SURVEYORS AND SURVEYING FIRMS IN WEST VIRGINIA**

OFFICE OF THE CLERK
WEST VIRGINIA

§23-4-1. 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 establish fees payable to the Board for various services.
- 1.2. Authority. WV Code §30-13A-5(13)
- 1.3. Filing Date.
- 1.4. Effective Date.
- 1.5. 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.
- 1.6. This legislative rule, together with legislative rules 23 CSR 1 "Examination and Licensing of Professional Surveyors in West Virginia" and 23 CSR 5 "Standards for the Practice of Surveying in West Virginia" repeals and replaces West Virginia 23 CSR 1 "Rules and Minimum Standards for Practice of Land Surveying in West Virginia" filed and effective June 6, 2005.

§23-4-2. 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. "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.
- 2.2. "COA" means Certificate of Authorization.
- 2.3. "COA Late Fee" means a fee charged to a firm for renewal fees postmarked after the annual expiration date for each month or partial month that the COA renewal fee remains unpaid.
- 2.4. "Re-Notification Fee" means an administrative fee charged to a licensee for a subsequent demand or inquiry following a licensee's failure to respond to, or comply with, a communication, request, inquiry, or order from the Board.
- 2.5. "FS Exam" means the NCEES Fundamentals of Surveying Examination.
- 2.6. "NCEES" means the National Council of Examiners for Engineering and Surveying.
- 2.7. "PS" means a licensed Professional Surveyor who has met all of the examination and licensing requirements as set forth in 30-13A-1 et seq. and is an acronym used after the surveyor's name to indicate he or she is a licensed surveyor with the Board.

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

2.9. "PS License Renewal Late Fee" means a fee charged to the licensee for renewal fees postmarked after the annual expiration date for each month or partial month that the PS license renewal fee remains unpaid for up to thirty-six (36) months.

2.10. "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.

2.11. "WV Exam" means the state-specific West Virginia Professional Surveyors Examination developed by the Board.

§23-4-3. Payment of Fees

3.1. 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.

3.2. All fees paid to the board are nonrefundable.

§23-4-4. Fee Schedule

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

4.2. Surveyor Intern (SI)

4.2.a. Application/Reapplication Fee	\$120.00
4.2.b. FS Examination/Reexamination Fee	As charged by NCEES

4.3. Professional Surveyor (PS)

4.3.a. Application/Reapplication Fees:

4.3.a.1. PS Application	\$200.00
4.3.a.2. WV Application	\$200.00
4.3.a.3. Endorsement Application	\$200.00
4.3.a.4. Special Supervision Application	\$200.00
4.3.a.5. Comity Application	\$200.00

4.3.b. Examination/Reexamination Fees:

4.3.b.1. PS Exam	As charged by NCEES
4.3.b.2. WV Exam	\$150.00
4.3.b.3. Endorsement Exam	\$200.00

4.3.c. Annual Renewal Fees:

4.3.c.1. PS License (Active or Inactive)	\$100.00
4.3.c.2. PS-Retired	No Charge
4.3.c.3. PS License Late Fee	20% per month or portion thereof
4.3.c.4. Special Supervision	\$200.00
4.3.c.5. Special Supervision Late Fee	20% per month or portion thereof

4.3.d. PS Replacement Certificate Fee	\$ 20.00
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4.4. Certificate of Authorization Fees for Firms or Branch Offices

4.4.a. Application/Renewal Fees	\$100.00
4.4.b. COA Late Fee	20% per month or portion thereof

4.5. Administrative Fees and Other Costs

4.5.a. Re-Notification Fee	\$500.00 per occurrence
4.5.b. Archival Research	\$ 25.00 per hour
4.5.c. Continuing Education Media	\$100.00
4.5.d. Copy Charges:	
4.5.d.1. In-house Copies	\$ 0.50 per page
4.5.d.2. Large-scale Copies	As charged by Vender
4.5.e. Legal Expenses	As Charged by the AG's Office
4.5.f. Licensure Verifications (requested by another Board)	\$ 25.00
4.5.g. PS Roster for marketing purposes	\$250.00
4.5.h. Reprocessing Fee (illegible or incomplete applications)	\$ 50.00
4.5.i. Returned Check Fee	\$ 40.00
4.5.j. WVBPS Members and Staff	Calculated Overhead Rate

§23-4-5. Assessment of Costs in Disciplinary Actions

5.1. 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, court reporter fees and administrative time expended by the Board's members, staff, consultants or contractors.