S T A T E O F N E W Y O R K

4827

2013-2014 Regular Sessions

I N S E N A T E

April 25, 2013

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of land surveying

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 7203 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

S 7203. Definition of practice of land surveying. 1. The practice of the profession of land surveying is defined as practicing that branch of the engineering profession and applied mathematics which includes [the measuring and plotting of the dimensions and areas of any portion of the earth, including all naturally placed and man- or machine-made structures and objects thereon, the lengths and directions of boundary lines, the contour of the surface and] the application of rules and regulations in accordance with local requirements incidental to subdivisions for the correct determination, description, conveying and recording thereof or for the establishment or reestablishment thereof, PROVIDING OR OFFERING TO PROVIDE PROFESSIONAL SERVICES UTILIZING SUCH SCIENCES AS MATHEMATICS AND GEODESY, INVOLVING BOTH A. THE MAKING OF GEOMETRIC MEASUREMENTS AND GATHERING RELATED INFORMATION PERTAINING TO THE PHYSICAL OR LEGAL FEATURES ON THE EARTH, IMPROVEMENTS ON THE EARTH, THE SPACE ABOVE, ON OR BELOW THE EARTH AND B. PROVIDING, UTILIZING OR DEVELOPING THE SAME INTO SURVEY PRODUCTS SUCH AS GRAPHICS, DATA, MAPS, PLANS, REPORTS, SPECIFICATIONS, DESCRIPTIONS, AND PROJECTS, INCLUDING THOSE IN FURTHERANCE OF THE SAFEGUARDING OF LIFE, HEALTH, SAFETY, WELFARE AND PROPERTY OF THE PUBLIC.

2. PROFESSIONAL SERVICES INCLUDE, BUT ARE NOT LIMITED TO, ACTS OF CONSULTATION, INVESTIGATION, EVALUATION, PROVIDING TESTIMONY, PLANNING, MAPPING, ASSEMBLING, ESTIMATING, SUPERVISION, AND INTERPRETING GATHERED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD08871-01-3

MEASUREMENTS AND INFORMATION RELATED TO ANY ONE OR MORE OF THE FOLLOWING:

A. DETERMINING, BY MEASUREMENT, THE ACTUAL OR PROPOSED CONFIGURATION OR CONTOUR OF THE EARTH'S SURFACE OR THE POSITION OF FIXED OBJECTS THEREON.

B. DETERMINING, BY PERFORMING GEODETIC SURVEYS, THE SIZE AND SHAPE OF THE EARTH OR THE POSITION OF ANY POINT RELATED TO THE EARTH. A GEODETIC SURVEY BEING DEFINED AS THE SCIENCE OF MEASURING THE EARTH OR LARGE PORTIONS OF ITS SURFACE; THE DETERMINATION OF THE EARTH'S FIGURE AND SIZE.

C. LOCATING, RELOCATING, ESTABLISHING, REESTABLISHING, OR RETRACING PROPERTY LINES OR BOUNDARIES OF ANY TRACT OR TRACTS OF LAND, ROAD, RIGHT OF WAY, OR EASEMENT.

D. MAKING ANY SURVEY FOR A SINGLE LOT OR PLOT OR FOR THE DIVISION, SUBDIVISION OR CONSULTATION OF ANY TRACT OR TRACTS OF LAND.

E. LOCATING OR LAYING OUT ALIGNMENTS, POSITIONS OR ELEVATIONS FOR THE CONSTRUCTION OF FIXED WORKS.

F. DETERMINING, BY THE USE OF PRINCIPLES OF SURVEYING, THE POSITION FOR ANY SURVEY MONUMENT (BOUNDARY OR NON-BOUNDARY) OR REFERENCE POINT; ESTABLISHING OR REPLACING ANY SUCH MONUMENT OR REFERENCE POINT.

G. CREATING, PREPARING OR MODIFYING ELECTRONIC, COMPUTERIZED OR OTHER DATA, RELATIVE TO THE PERFORMANCE OF THE ACTIVITIES IN THE ABOVE DESCRIBED PARAGRAPHS A THROUGH F OF THIS SUBDIVISION.

3. NOTHING IN THIS SECTION SHALL REMOVE ANY PREVIOUSLY GRANTED LEGAL OR REGULATORY RIGHTS OR BE CONSTRUED AS PROHIBITING A LICENSED LAND SURVEYOR FROM PROVIDING SERVICES FOR LAND PLANNING, LAND USE, LAND DEVELOPMENT AND/OR ENVIRONMENTAL STUDIES RELATED THERETO AND THE RECORDING OR FILING OF DOCUMENTS WITH GOVERNMENTAL BODIES OR AGENCIES. IN ADDITION, NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING ANYONE WHO, UNDER CURRENT LAW, MAY PROVIDE LAND PLANNING, LAND USE, LAND DEVELOPMENT OR ENVIRONMENTAL STUDIES.

S 2. Subdivision 2 of section 7206-a of the education law, as amended by chapter 32 of the laws of 1981, is amended to read as follows:

2. In lieu of the degree and experience requirements specified in [subparagraphs (2)] PARAGRAPHS TWO and [(3)] THREE of subdivision one of this section, AN ASSOCIATES DEGREE AND eight years of practical experience in work satisfactory to the board may be accepted, provided that each full year of college study in engineering or land surveying satisfactory to the department may at the discretion of the board be accepted in lieu of one year of the required eight years of experience.

S 3. Section 7208 of the education law is amended by adding a new subdivision q to read as follows:

Q. THE MAKING OF MEASUREMENTS UTILIZING THE SCIENCE OF PHOTOGRAMMETRY, DEFINED AS THE SCIENCE OR ART OF OBTAINING RELIABLE MEASUREMENTS THROUGH THE USE OF AERIAL PHOTOGRAPHY AND/OR OTHER ACTIVE OR PASSIVE SENSOR-BASED REMOTE SENSING TECHNOLOGIES, EXCEPT THAT ANY GEODETIC SURVEY TO ESTABLISH CONTROL POINTS NECESSARY TO DERIVE ACCURATE MEASUREMENTS FROM THE IMAGERY MUST BE MADE BY A LICENSED LAND SURVEYOR. ANY DETERMINATION OF TOPOGRAPHY OR CONTOURS, OR DEPICTION OF PHYSICAL IMPROVEMENTS, UTILIZING PHOTOGRAMMETRIC METHODS OR OTHER REMOTE SENSING TECHNOLOGY BY PERSONS NOT LICENSED AS A LAND SURVEYOR PURSUANT TO THIS ARTICLE, SHALL NOT ESTABLISH ANY BOUNDARY MONUMENTATION OR BOUNDARY METES AND BOUNDS, NOR PROVIDE ANY MEASUREMENT SHOWING THE RELATIONSHIP OF ANY PHYSICAL IMPROVEMENTS TO ANY PROPERTY LINE OR BOUNDARY.

S 4. This act shall take effect immediately; provided, however, that section two of this act shall apply only to those individuals seeking to

file an application with the department of education pursuant to section 7206-a of the education law who began their education on or after the effective date of this act.