

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:

1 Section 1. Section 7203 of the education law, as added by chapter 987
2 of the laws of 1971, is amended to read as follows:
3 S 7203. Definition of practice of land surveying. 1. The practice of
4 the profession of land surveying is defined as practicing that branch of
5 the engineering profession and applied mathematics which includes [the
6 measuring and plotting of the dimensions and areas of any portion of the
7 earth, including all naturally placed and man- or machine-made struc-
8 tures and objects thereon, the lengths and directions of boundary lines,
9 the contour of the surface and] the application of rules and regulations
10 in accordance with local requirements incidental to subdivisions for the
11 correct determination, description, conveying and recording thereof or
12 for the establishment or reestablishment thereof, PROVIDING OR OFFERING
13 TO PROVIDE PROFESSIONAL SERVICES UTILIZING SUCH SCIENCES AS MATHEMATICS
14 AND GEODESY, INVOLVING BOTH A. THE MAKING OF GEOMETRIC MEASUREMENTS AND
15 GATHERING RELATED INFORMATION PERTAINING TO THE PHYSICAL OR LEGAL
16 FEATURES ON THE EARTH, IMPROVEMENTS ON THE EARTH, THE SPACE ABOVE, ON OR
17 BELOW THE EARTH AND B. PROVIDING, UTILIZING OR DEVELOPING THE SAME INTO
18 SURVEY PRODUCTS SUCH AS GRAPHICS, DATA, MAPS, PLANS, REPORTS, SPECIFICA-
19 TIONS, DESCRIPTIONS, AND PROJECTS, INCLUDING THOSE IN FURTHERANCE OF THE
20 SAFEGUARDING OF LIFE, HEALTH, SAFETY, WELFARE AND PROPERTY OF THE
21 PUBLIC.
22 2. PROFESSIONAL SERVICES INCLUDE, BUT ARE NOT LIMITED TO, ACTS OF
23 CONSULTATION, INVESTIGATION, EVALUATION, PROVIDING TESTIMONY, PLANNING,
24 MAPPING, ASSEMBLING, ESTIMATING, SUPERVISION, AND INTERPRETING GATHERED

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

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1 MEASUREMENTS AND INFORMATION RELATED TO ANY ONE OR MORE OF THE FOLLOW-
2 ING:

3 A. DETERMINING, BY MEASUREMENT, THE ACTUAL OR PROPOSED CONFIGURATION
4 OR CONTOUR OF THE EARTH'S SURFACE OR THE POSITION OF FIXED OBJECTS THER-
5 EON.

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

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

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

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

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

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

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

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

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

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

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

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

1 file an application with the department of education pursuant to section
2 7206-a of the education law who began their education on or after the
3 effective date of this act.