

6716

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 30, 2015

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Introduced by M. of A. GLICK -- read once and referred 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 ASSEM-  
BLY, 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, EXISTING IMPROVEMENTS ON THE EARTH, THE SPACE  
17    ABOVE, ON OR BELOW THE EARTH AND B. PROVIDING, UTILIZING OR DEVELOPING  
18    THE SAME INTO SURVEY PRODUCTS SUCH AS GRAPHICS, DATA, MAPS, PLANS,  
19    REPORTS, AND SPECIFICATIONS, INCLUDING THOSE IN FURTHERANCE OF THE SAFE-  
20    GUARDING OF LIFE, HEALTH, SAFETY, WELFARE AND PROPERTY OF THE PUBLIC.  
21    2. PROFESSIONAL SERVICES INCLUDING ACTS OF CONSULTATION, INVESTIGATION  
22    AND EVALUATION OF LAND TO BE SURVEYED, PROVIDING TESTIMONY, SUBDIVISION  
23    PLANNING AND MAPPING, ASSEMBLING, ESTIMATING, SUPERVISION, AND INTER-  
24    PRETING GATHERED MEASUREMENTS AND INFORMATION RELATED TO ANY ONE OR MORE  
25    OF THE FOLLOWING:

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

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1 A. DETERMINING, BY MEASUREMENT, THE ACTUAL OR PROPOSED CONFIGURATION  
2 OR CONTOUR OF THE EARTH'S SURFACE OR THE POSITION OF FIXED OBJECTS THERE-  
3 ON BASED, WHERE REQUIRED BY EXISTING STATUTE AND/OR REGULATION, ON THE  
4 DESIGN OF A DESIGN PROFESSIONAL OR LOCAL LAW OR ZONING ORDINANCE.

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

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

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

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

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

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

23 3. NOTHING IN THIS SECTION SHALL REMOVE ANY PREVIOUSLY GRANTED LEGAL  
24 OR REGULATORY RIGHTS OR BE CONSTRUED AS PROHIBITING A LICENSED LAND  
25 SURVEYOR FROM PROVIDING SERVICES FOR LAND PLANNING, LAND USE, LAND  
26 DEVELOPMENT AND/OR ENVIRONMENTAL STUDIES RELATED THERETO, WHICH ARE NOT  
27 PRESENTLY RESTRICTED TO THE EXCLUSIVE PRACTICE OF ANOTHER DESIGN PROFES-  
28 SIONAL, AND THE RECORDING OR FILING OF DOCUMENTS WITH GOVERNMENTAL  
29 BODIES OR AGENCIES. IN ADDITION, NOTHING IN THIS SECTION SHALL BE  
30 CONSTRUED AS PROHIBITING ANYONE WHO, UNDER CURRENT LAW, MAY PROVIDE LAND  
31 PLANNING, LAND USE, LAND 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 EXISTING 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 begin their experience on or after the  
3 effective date of this act.