STATE OF NEW YORK

8242

IN SENATE

April 20, 2018

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 definition of 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:

§ 7203. Definition of practice of land surveying. [~~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.~~] **1. As used in this article, the following terms shall have the respective meanings set forth in this section:**

(a) "Geodetic survey" shall mean the science of measuring the earth or large portions of its surface; the determination of the earth's figure and size.

(b) "Photogrammetry" shall mean 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 measurements from the imagery must be made by a licensed land surveyor.

(c) "Site plan" shall mean a rendering, drawing, or sketch prepared to specifications and containing necessary elements, as specified in a law, rule, or regulation, which shows the arrangement and layout of the proposed use of a parcel of land.

(d) "Subdivision" shall mean the division of any parcel of land into a number of lots, blocks, or sites as specified in a law, rule, or regu-

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

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lation, with or without streets or highways, for the purpose of lease, sale, transfer, or ownership, or development.

2. The practice of the profession of land surveying shall mean providing, or offering to provide, professional services using such sciences and principles as mathematics, geodesy, photogrammetry, and legal principles, and involving both: (a) the making of geometric measurements and gathering related information pertaining to the physical or legal features of 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, boundary monumentation, reports, real property metes and/or bounds descriptions, specifications or projects. Professional services include acts of consultation, research, investigation, planning, mapping, and interpreting gathered measurements and information related to any one or more of the following:

(i) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon;

(ii) Determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth;

(iii) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries or regulatory lines of any tract of land, road, right-of-way, or easement;

(iv) Making any survey for a single lot or plot or for the subdivision, or consolidation of any tract or tracts of land as well as designing and preparing subdivision mapping;

(v) Locating or laying out alignments, positions, or elevations relating to boundary lines;

(vi) Determining, by the use of principals of surveying, the position for any survey monument (boundary or non-boundary) or reference point; establishing or replacing any such monument or reference point;

(vii) Any determination of topography or contours, or description 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 be utilized to establish any boundary monumentation or boundary metes and bounds, nor provide any measurement showing the relationship of any existing physical improvements to any property line or boundary;

(viii) Creating, preparing, or modifying electronic or computerized or other data, relative to the performance of the activities in subparagraphs (i) through (vii) of this paragraph.

§ 2. This act shall take effect immediately.