

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:

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 § 7203. Definition of practice of land surveying. [~~The practice of the~~
4 ~~profession of land surveying is defined as practicing that branch of the~~
5 ~~engineering profession and applied mathematics which includes the meas-~~
6 ~~uring 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.] 1. As used in this
13 article, the following terms shall have the respective meanings set
14 forth in this section:~~

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

18 (b) "Photogrammetry" shall mean the science or art of obtaining reli-
19 able measurements through the use of aerial photography and/or other
20 active or passive sensor-based remote sensing technologies, except that
21 any geodetic survey to establish control points necessary to derive
22 measurements from the imagery must be made by a licensed land surveyor.

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

27 (d) "Subdivision" shall mean the division of any parcel of land into a
28 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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1 lation, with or without streets or highways, for the purpose of lease,
2 sale, transfer, or ownership, or development.

3 2. The practice of the profession of land surveying shall mean provid-
4 ing, or offering to provide, professional services using such sciences
5 and principles as mathematics, geodesy, photogrammetry, and legal prin-
6 ciples, and involving both: (a) the making of geometric measurements and
7 gathering related information pertaining to the physical or legal
8 features of the earth, improvements on the earth, the space above, on,
9 or below the earth; and

10 (b) providing, utilizing, or developing the same into survey products
11 such as graphics, data, maps, plans, boundary monumentation, reports,
12 real property metes and/or bounds descriptions, specifications or
13 projects. Professional services include acts of consultation, research,
14 investigation, planning, mapping, and interpreting gathered measurements
15 and information related to any one or more of the following:

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

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

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

23 (iv) Making any survey for a single lot or plot or for the subdivi-
24 sion, or consolidation of any tract or tracts of land as well as design-
25 ing and preparing subdivision mapping;

26 (v) Locating or laying out alignments, positions, or elevations relat-
27 ing to boundary lines;

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

31 (vii) Any determination of topography or contours, or description of
32 physical improvements, utilizing photogrammetric methods or other remote
33 sensing technology by persons not licensed as a land surveyor pursuant
34 to this article, shall not be utilized to establish any boundary monu-
35 mentation or boundary metes and bounds, nor provide any measurement
36 showing the relationship of any existing physical improvements to any
37 property line or boundary;

38 (viii) Creating, preparing, or modifying electronic or computerized or
39 other data, relative to the performance of the activities in subpara-
40 graphs (i) through (vii) of this paragraph.

41 § 2. This act shall take effect immediately.