

A.C.A. § 17-48-101

Arkansas Code of 1987 Annotated Official Edition
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*** Legislation is current through the 2011 Regular Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** November 16, 2011. ***

Title 17 Professions, Occupations, and Businesses
Subtitle 2. Nonmedical Professions
Chapter 48 Surveyors
Subchapter 1 -- General Provisions

A.C.A. § 17-48-101 (2011)

Tit. 17, Subtit. 2, Ch. 48 Note**17-48-101. Definitions.**

As used in this chapter:

(1) (A) "Firm" means a form of business entity that offers professional surveying services of its licensed personnel to the public.

(B) "Firm" does not include an individual licensee operating under his or her name;

(2) (A) "Land surveying" means a service comprising the:

(i) Determination of the location of land boundaries and land boundary corners; and

(ii) Preparation of:

(a) Plats showing the shape and areas of tracts of land and their subdivision into smaller tracts;

(b) Plats showing the location of streets, roads, and rights-of-way of tracts to give access to smaller tracts; and

(c) Official plats or maps of land thereof in this state.

(B) "Land surveying" does not include the measure of acreage of timber, cotton, rice, or other agricultural crops.

(C) A person practices or offers to practice land surveying if the person:

(i) Engages in land surveying for others; or

(ii) By verbal claim, sign, letterhead, card, telephone listing, or in any other way represents himself or herself:

(a) To be a professional surveyor; or

(b) As able to perform land surveying in this state;

(3) "Metadata" means a description of the content, ancestry and source, quantity, database schema, and accuracy of digital map data;

(4) "Professional surveyor" means a person who by reason of special knowledge of mathematics, surveying principles and methods, and legal requirements that are acquired by educational or practical experience is qualified to engage in the practice of land surveying and surveying measurement certification;

(5) "Responsible charge" means direct control of, supervision of, and legal responsibility for the surveying work

performed; and

(6) "Surveying measurement certification" means providing the professional service of certification or sealing of maps, documents, digital files, or other data to verify that the maps, documents, digital files, or other data are authoritative professional determinations based on accepted methods and principles of surveying measurement or analysis representing or listing the following types of surveying measurements:

(A) The configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;

(B) The position or elevation of a survey boundary, control monument, or reference point; and

(C) The alignment or elevation of a fixed work embraced within the practice of professional engineering.

HISTORY: Acts 1967, No. 101, § 2; A.S.A. 1947, § 71-2302; Acts 2005, No. 1178, § 7; 2005, No. 1962, § 74; 2009, No. 444, § 5; 2011, No. 898, § 1.

17-48-102. Penalties -- Enforcement.

(a) (1) Unless a different penalty is specifically provided, a person who violates this chapter shall be guilty of a Class B misdemeanor.

(2) It is the duty of all duly constituted officers of the state and all of its political subdivisions to enforce this chapter and prosecute any persons violating it.

(b) (1) The State Board of Licensure for Professional Engineers and Professional Surveyors may levy a civil penalty against any licensed engineer, professional surveyor, or surveyor intern who:

(A) Is found guilty of:

(i) Fraud or deceit in his or her practice or in securing a certificate of licensure; or

(ii) Gross negligence, incompetence, or misconduct; or

(B) Fails or refuses to comply with any laws relating to the licensure and practice of engineers, professional surveyors, or surveyor interns or any rules or regulations adopted by the board under the authority granted in such laws.

(2) Any civil penalty levied by the board may be in lieu of or in addition to any other sanction imposed by the board.

(3) A civil penalty assessed by the board shall not be more than five thousand dollars (\$5,000).

(c) The Attorney General or his or her assistants shall act as legal advisors to the board and render such legal assistance as may be necessary.

(d) The board may employ counsel to enforce this chapter, the costs to be paid from the funds of the board.

HISTORY: Acts 1967, No. 101, § 12; A.S.A. 1947, § 71-2311; Acts 1987, No. 1070, § 2; 2005, No. 1178, § 8; 2005, No. 1994, § 401; 2009, No. 444, § 5.

17-48-103. Regulation.

In order to safeguard the life, health, or property of the public, the practice of land surveying in this state is declared to be subject to regulation in the public interest.

HISTORY: Acts 1967, No. 101, § 1; A.S.A. 1947, § 71-2301.

17-48-104. Powers of the board.

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors may adopt and amend all bylaws and rules of procedure not inconsistent with the Arkansas Constitution and laws of this state or this chapter that may be reasonably necessary for the proper performance of its duties and the regulations of its proceedings, meetings, records, examinations, and the conduct thereof.

(b) The board may engage such technical advice and counsel as necessary to review applications, conduct interviews, prepare and give examinations, grade examinations, as required by this chapter, and to pay for such services.

(c) (1) In carrying into effect this chapter, the board, under the hand of its president and the seal of the board, may subpoena witnesses and compel their attendance and also may require the submission of books, papers, documents, or other pertinent data in any disciplinary matter or in any case in which a violation of this chapter is alleged.

(2) Upon failure or refusal to comply with any

such order of the board or upon failure to honor its subpoena, as provided in this section, the board may apply to a court of any jurisdiction to enforce compliance with them.

(d) (1) In the name of the state, the board may apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce this chapter or to restrain any violation thereof.

(2) In such proceedings, it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.

(3) The members of the board shall not be personally liable under this procedure.

(e) The board may establish application fees, certificate fees, renewal fees, and any other fees as it deems necessary within the guidelines of the State of Arkansas.

HISTORY: Acts 1967, No. 101, § 8; A.S.A. 1947, § 71-2307; Acts 2009, No. 444, § 6.

17-48-105. Seal and signature required.

(a) Each licensed professional surveyor shall:

(1) Procure a personal seal, in form approved by the State Board of Licensure for Professional Engineers and Professional Surveyors; and

(2) Affix his or her signature and the seal upon all maps, plats, surveys, or other documents before the delivery thereof to any client or before offering to file a record of any such map, plat, survey, or other document in the office of the recorder of deeds of any county or with any proper public authority.

(b) It is unlawful for the recorder of deeds of any county or any proper public authority to file or record any map, plat, survey, or other document within the definition of land surveying that does not have impressed thereon and affixed thereto the personal signature and seal of a licensed professional surveyor by whom the map, plat, survey, or other document was prepared.

HISTORY: Acts 1967, No. 101, §§ 10, 11; A.S.A. 1947, §§ 71-2309, 71-2310; Acts 2005, No. 1178, § 9; 2009, No. 444, § 6.

17-48-106. Failure to file boundary survey.

(a) (1) A licensed surveyor is not required to file a plat until he or she has been paid for performing the survey.

(2) A licensed surveyor shall file the plat with the State Surveyor within thirty (30) days after payment for

performing the survey or the plat is completed, whichever event occurs last.

(b) The sole purpose of filing the plat shall be to identify the person or persons who made the plat and survey and placed the survey markers and shall not be used to evidence adverse possession or as evidence in boundary disputes.

(c) The provisions of this chapter shall not apply to surveys hereafter made of subdivided property located in a municipality where property has previously been surveyed and a plat filed.

(d) Any licensed surveyor who shall fail or refuse to file the survey as provided by this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) or imprisonment for not less than thirty (30) days nor more than six (6) months, or subject to both fine and imprisonment.

HISTORY: Acts 1969, No. 645, §§ 1, 2; A.S.A. 1947, §§ 71-2312, 71-2313; Acts 2001, No. 591, § 3; 2007, No. 1040, § 1.

17-48-107. Contents of survey.

(a) Every survey of a parcel of real property made after March 30, 1981, shall include a statement of the number of acres or parts of acres included in the parcel surveyed. If the parcel surveyed includes lands situated in more than one quarter-quarter, the approximate number of acres of the parcel lying in each quarter-quarter shall be shown separately.

(b) The General Assembly recognizes that every county assessor in the state is required by law to account for and list each parcel of real property and every acre within his or her jurisdiction. It is the intent and purpose of this section to assist the various assessors to carry out this responsibility by requiring that every survey of real estate made after March 30, 1981, specify therein the number of acres or parts of acres included in the survey.

HISTORY: Acts 1981, No. 919, §§ 1, 2; A.S.A. 1947, §§ 84-450.1, 84-450.2.

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17-48-201. Registration required -- Sole or group practice -- Trainees.

(a) (1) It is unlawful for a person who is not a professional surveyor licensed by the State Board of Licensure for Professional Engineers and Professional Surveyors to hold himself or herself out as a professional surveyor to practice or offer to practice land surveying in the state, as defined in this chapter, or to use in connection with his or her name or otherwise assume or advertise any title or description tending to convey the impression that he or she is a professional surveyor unless the person has been licensed under this chapter.

(2) The board may discipline nonlicensees that violate this chapter by the levy of a fine in an amount not to exceed five thousand dollars (\$5,000) for each offense.

(b) (1) (A) Admission to practice land surveying and surveying measurement certification shall be determined upon the basis of individual personal qualifications.

(B) The right to engage in the practice of land surveying and surveying measurement certification is a personal right, based upon the qualifications of the individual, evidenced by his or her license certificate, and is not transferable.

(2) "Surveying measurement certification" does not permit the preparation of engineering or architectural design documents or quantity estimate payment documents.

(c) (1) A professional surveyor may practice his or her profession through the medium of or as a member or employee of a firm if:

(A) All surveys are signed and stamped with the signature and seal of the professional surveyor in responsible

charge; and

(B) The firm has complied with § 17-48-207.

(2) The professional surveyor signing and sealing the surveys shall be personally and professionally responsible therefor, and his or her participation in any firm either as a partner, principal, or employee does not limit his or her individual liability.

(d) A surveyor intern may engage in the practice of land surveying only as an employee of or under the supervision of a professional surveyor.

(e) It is unlawful for a person to prepare, distribute, or place the public records, maps, documents, digital files, or other data that bear or contain a seal or any certification consisting of a verbal, numerical, or symbolic representation of the accuracy or precision of surveying measurements as defined in § 17-48-101(4) or that bear or contain a statement of determination by an authoritative professional source unless the maps, documents, digital files, or other data bear or contain the seal of a professional surveyor or professional engineer practicing within his or her respective discipline.

(f) This chapter does not apply to:

(1) The usual symbols and statements of the cartographic representation of scale and direction, including without limitation scale ratios, scale bars, and north arrows;

(2) The preparation and attachment of metadata or to the scientific analysis of measurement data for research by a person who is not a professional surveyor or professional engineer; and

(3) A government agency or office in conducting its statutory or constitutional duties to certify representations of spatial data.

(g) This chapter does not impair or reduce the scope of:

(1) The professional practice of engineers as defined by statute and rules of the board; and

(2) The professional practice of professional architects as defined by statute and rules of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers.

HISTORY: Acts 1967, No. 101, §§ 1, 3; 1977, No. 807, § 1; A.S.A. 1947, §§ 71-2301, 71-2303; Acts 1997, No. 1297, § 1; 2005, No. 1178, § 10; 2009, No. 444, § 7.

17-48-202. Application.

(a) Application for licensure as a professional surveyor or surveyor intern shall be made on forms provided by the State Board of Licensure for Professional Engineers and Professional Surveyors to be signed and sworn to by the applicant.

(b) The forms shall contain statements made under oath, showing the applicant's education, experience record, references, and any other pertinent information as determined by the board.

HISTORY: Acts 1967, No. 101, § 6; 1977, No. 807, § 3; A.S.A. 1947, § 71-2305; Acts 2005, No. 1178, § 11; 2009, No. 444, § 7.

17-48-203. Qualifications -- Certification.

(a) A person who shows to the satisfaction of the State Board of Licensure for Professional Engineers and Professional Surveyors that he or she is a person of good character and reputation and over twenty-one (21) years of age shall be eligible for licensure as a professional surveyor if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure to engage in the practice of land surveying issued to him or her on

the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown on his or her application that in the opinion of the board are equal to or higher than the requirements of this chapter may be licensed at the discretion of the board;

(2) (A) A graduate from an approved engineering curriculum with sufficient surveying courses or a surveying technology curriculum of two (2) years or more approved by the board, followed by at least two (2) years of land surveying that must be surveying experience of a character satisfactory to the board, who has passed a written examination designed to show that he or she is qualified to practice land surveying in this state, may be licensed if he or she is otherwise qualified.

(B) Each year of teaching land surveying in an approved engineering or surveying curriculum may be considered as equivalent to one (1) year of land surveying experience; or

(3) (A) An applicant who cannot qualify under subdivision (a)(2) of this section and who has six (6) years or more of active experience in land surveying of a character satisfactory to the board and who has passed a written examination designed to show that he or she is qualified to practice land surveying may be granted a certificate of licensure to practice land surveying in this state if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved engineering or engineering technology curriculum majoring in surveying may be considered as one (1) year of experience in land surveying, but not exceeding two (2) years.

(b) Effective January 1, 2017, an applicant for licensure as a professional surveyor shall qualify under one (1) of the following provisions:

(1) (A) A graduate holding a baccalaureate degree from a curriculum of four (4) years or more who has completed at least thirty (30) semester credit hours or the equivalent, as approved by the board, in courses involving land surveying, mapping, and real property, as approved by the board, followed by three (3) years or more of experience in responsible charge of land surveying under the supervision of a professional surveyor and who has passed an examination for certification as a surveyor intern shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is otherwise qualified shall be granted licensure as a professional surveyor upon passing the written examination; or

(2) (A) A graduate holding an associate of science degree in surveying or an associate of applied science in surveying degree from a program approved by the board or its equivalent, as approved by the board, followed by six (6) years or more of experience in responsible charge of land surveying under the supervision of a professional surveyor, and who has passed an examination for certification as a surveyor intern shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is otherwise qualified shall be granted licensure as a professional surveyor upon passing the written examination.

(c) A person who shows to the satisfaction of the board that he or she is a person of good character shall be eligible for licensure as a surveyor intern if he or she qualifies under one (1) of the following provisions:

(1) A person holding a certificate of licensure as a surveyor intern issued to him or her on the basis of a written examination by proper authority of a state, territory, possession of the United States, the District of Columbia, or any foreign country, based on requirements and qualifications as shown on his or her application, which requirements and qualifications, in the opinion of the board, are equal to or higher than the requirements of this chapter, may be licensed as a surveyor intern at the discretion of the board;

(2) A graduate from an approved engineering curriculum with sufficient surveying courses, or a surveying technology curriculum of two (2) years or more, approved by the board, who has passed a written examination designed to show that he or she is proficient in surveying fundamentals, may be licensed if he or she is otherwise qualified; or

(3) (A) An applicant who cannot qualify under subdivision (c)(2) of this section and who has four (4) years or more of active experience in land surveying of a character satisfactory to the board and who has passed a written examination designed to show that he or she is proficient in surveying fundamentals may be licensed if he or she is otherwise qualified.

(B) Each year of satisfactory work in an approved engineering or engineering technology curriculum majoring in surveying may be considered as one (1) year of experience in land surveying, but not exceeding two (2) years.

(d) Effective January 1, 2017, an applicant for licensure as a surveyor intern shall qualify under one (1) of the following:

(1) (A) A graduate holding or a student enrolled in the last year of a program leading to a baccalaureate degree from a curriculum of four (4) years or more who has finished at least thirty (30) semester credit hours, or the board-approved equivalent, in courses approved by the board involving land surveying, mapping, and real property shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is qualified shall be granted licensure as a surveyor intern on:

(i) Passing the written examination; and

(ii) Providing proof of graduation with a board-approved baccalaureate degree; or

(2) (A) A graduate holding or student enrolled in the last year of a program leading to an associate of science or an associate of applied science degree in surveying from a program approved by the board shall be admitted to sit for a written examination in a form approved by the board.

(B) An applicant who is qualified shall be granted licensure as a surveyor intern on:

(i) Passing the written examination; and

(ii) Providing proof of graduation with a board-approved associate of science or associate of applied science degree.

HISTORY: Acts 1967, No. 101, § 4; 1977, No. 807, § 2; A.S.A. 1947, § 71-2304; Acts 2005, No. 1178, § 12; 2009, No. 392, § 1; 2009, No. 444, § 7; 2011, No. 898, § 2.

17-48-204. Expiration and renewal -- Inactive status -- Reinstatement.

(a) All certificates shall be renewed annually or biennially at the discretion of the State Board of Licensure for Professional Engineers and Professional Surveyors.

(b) Certificates of licensure for professional surveyors and professional surveyor interns shall be renewed by the board to persons who are holders of certificates issued under this chapter who have furnished evidence satisfactory to the board of compliance with the requirements of § 17-48-206(a).

(c) (1) (A) Notwithstanding subsection (b) of this section, a professional surveyor or surveyor intern licensed under this chapter who is not engaged in the practice of land surveying may request in writing that the board place his or her name on the board's inactive roll, thereby granting him or her inactive status and protecting his or her right to obtain a certificate of licensure under subsection (b) of this section at such later time as he or she may wish to become engaged in the practice of land surveying.

(B) Inactive status shall continue as long as the licensee pays the annual fee under the board's rules.

(2) A professional surveyor whose license is inactive may return to active status by:

(A) Notifying the board in advance of his or her intention to return to active status;

(B) Paying the appropriate fees; and

(C) Meeting all requirements of the board, including demonstration of continuing professional competency.

(d) A professional surveyor or surveyor intern whose certificate of licensure is not renewed may have it reinstated by meeting the requirements of the board, depending on the time of nonrenewal under the rules of the board. The requirements the board may consider are:

(1) Payment of fees and penalties;

(2) Demonstration of continuing professional competency; and

(3) Reexamination.

HISTORY: Acts 1967, No. 101, § 7; 1977, No. 807, § 4; A.S.A. 1947, § 71-2306; Acts 1987, No. 1070, § 1; 1997, No. 1297, § 2; 2001, No. 591, § 4; 2005, No. 1178, § 13; 2009, No. 444, § 7; 2011, No. 898, § 3.

17-48-205. Administrative violations and penalties.

(a) The State Board of Licensure for Professional Engineers and Professional Surveyors may suspend, revoke, or refuse to issue, restore, or renew a certificate of licensure of, or place on probation, fine, or reprimand a professional surveyor who is:

(1) Found guilty of:

(A) Fraud or deceit in obtaining, attempting to obtain, or renewing a certificate of licensure or certificate of authorization;

(B) Negligence, incompetency, or misconduct in the practice of surveying;

(C) Failure to comply with this chapter, the rules of the board, or an order of the board;

(D) Discipline by another state, territory, the District of Columbia, a foreign, the United States Government, or any other governmental agency, if at least one (1) of the grounds for discipline is the same or substantially equivalent to those contained in this section;

(E) Failure within thirty (30) days to provide information requested by the board as a result of a formal or informal complaint to the board that would indicate a violation of this chapter;

(F) Knowingly making false statements or signing false statements, certificates, or affidavits to induce payment;

(G) Aiding or assisting another person in violating this chapter or the rules of the board;

(H) Violating a term of probation imposed by the board;

(I) Using a seal or practicing surveying while the professional surveyor's license is suspended, revoked, nonrenewed, or inactive;

(J) Signing, affixing the professional surveyor's seal, or permitting the professional surveyor's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional surveyor or under the professional surveyor's direct supervision or control;

(K) Engaging in dishonorable, unethical, or unprofessional conduct of character likely to deceive, defraud, or harm the public;

(L) Providing false testimony or information to the board; or

(M) Habitual intoxication or addiction to the use of drugs or alcohol;

(2) Found guilty of or enters a plea of guilty or nolo contendere to:

(A) A felony;

(B) A crime of which an essential element is dishonesty; or

(C) A crime that is directly related to the practice of surveying; or

(3) Subject to disciplinary action by another state, territory, the District of Columbia, a foreign country, the United States Government, or other governmental agency, if at least one (1) of the grounds for discipline is the same or substantially equivalent to those contained in this section.

(b) The board may take the following action against a professional surveyor:

(1) Suspend or revoke a certificate of licensure;

(2) Refuse to issue, restore, or renew a certificate of licensure;

(3) Place on probation, impose a fine, or reprimand; or

(4) A combination of the above.

(c) A person that violates this chapter or a rule of the board shall pay a civil penalty to the board of not more than five thousand dollars (\$5,000) for each offense.

(d) (1) The board shall adopt rules of professional conduct under § 17-48-104 that are to be provided to an applicant for licensure.

(2) The board may amend these rules of professional conduct from time to time and shall notify each licensee in writing of the amendments.

(e) The board may:

(1) Revoke a certificate of authorization;

(2) Suspend a certificate of authorization for a time not exceeding two (2) years of a firm when one (1) or more of its officers or directors have been found guilty of conduct that would authorize a revocation or suspension of their certificates of licensure under this section;

(3) Place a firm on probation for a period and subject to the conditions as the board may specify; or

(4) Levy a fine in an amount not more than five thousand dollars (\$5,000) for each offense.

(f) The board may levy a fine in an amount not more than five thousand dollars (\$5,000) for each offense against nonlicensees that violate this chapter.

HISTORY: Acts 1967, No. 101, § 9; 1977, No. 807, § 5; A.S.A. 1947, § 71-2308; Acts 2005, No. 1178, § 14; 2009, No. 444, § 7; 2011, No. 898, § 4.

17-48-206. Continuing education requirements.

(a) (1) The State Board of Licensure for Professional Engineers and Professional Surveyors shall issue rules establishing the continuing education requirements for professional surveyors and surveyor interns.

(2) The rules shall take into account the accessibility to applicants of the board's continuing education requirements.

(3) The rules may:

(A) Rely upon guidelines and pronouncements of recognized educational and professional associations;

(B) Prescribe the content, duration, and organization of courses;

(C) Provide for the relaxation or suspension of requirements for:

(i) Applicants who certify that they do not intend to engage in the practice of surveying; and

(ii) Instances of individual hardship;

(D) Exempt from licensed continuing education requirements a professional surveyor sixty (60) years of age or older with twenty (20) or more years of experience as a practicing professional surveyor; and

(E) **(i)** Prescribe the manner and condition under which credit shall be given for participation in a program of continuing education that the board considers necessary and appropriate to maintain competency in the practice of surveying.

(ii) Examples of programs of continuing education that are acceptable include without limitation programs or seminars sponsored by higher educational institutions, government agencies, and professional surveying organizations and related professions.

(b) **(1)** An application for renewal of a certificate of licensure shall be accompanied by evidence documenting the completion of acceptable continuing education credit during the previous renewal period.

(2) Failure by an applicant to provide this evidence upon request by the board is grounds for disciplinary action unless the board determines the failure is due to a reasonable cause or the applicant was not engaged in the practice of surveying during the previous renewal period.

(3) The board may renew a certificate of licensure despite an applicant's failure to furnish satisfactory evidence of meeting continuing education requirements and may issue a certificate of licensure to an applicant who has previously maintained inactive status under § 17-48-204(c) if the applicant follows a particular program or schedule of continuing education prescribed by the board.

HISTORY: Acts 1987, No. 1070, § 1; 2005, No. 1178, § 15; 2009, No. 444, § 7; 2011, No. 898, § 5.

17-48-207. Certificates of authorization.

(a) A firm that practices or offers to practice surveying is required to obtain a certificate of authorization from the State Board of Licensure for Professional Engineers and Professional Surveyors under the board's rules.

(b) **(1)** In order to obtain a certificate of authorization, a surveying firm shall file an application with the board on a form provided by the board and shall provide all information required by the board's rules.

(2) A firm shall file a new application with the board on a form provided by the board:

(A) Upon renewal of the certificate of authorization; and

(B) Within thirty (30) days of the time that any of the information contained in the application form changes or differs for any reason from the information contained in the original application form.

(3) If in the judgment of the board the application meets the requirements of this chapter, the board shall issue a certificate of authorization for the surveying firm.

(c) A certificate of authorization is not required for a firm performing surveying for:

(1) Itself;

(2) The firm's parent organization; or

(3) A subsidiary of the firm.

(d) (1) A firm shall not be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members, or managers by reason of its compliance with this section.

(2) An individual practicing surveying under this chapter shall not be relieved of his or her responsibility for surveying services performed by reason of employment or other relationship with a firm holding a certificate of authorization.

(e) (1) Unless the board has first issued a certification of authorization or a letter stating the eligibility of an applicant to receive a certificate of authorization, the Secretary of State shall not accept organization papers or issue a certificate of incorporation, licensure, or authorization to a firm that includes among the objectives for which it is established or within its name, the words:

(A) Surveyor;

(B) Surveying; or

(C) Any modification or derivation of surveyor or surveying.

(2) The firm applying to the Secretary of State shall supply the certificate of authorization or letter from the board indicating eligibility for a certificate of authorization with its application for incorporation, licensure, or authorization.

(f) The Secretary of State shall decline to license a trade name or service mark that includes the words surveyor, surveying, or any modification or derivation of surveyor or surveying in its firm name or logotype except in the case of a firm that has a certificate of authorization under this section.

(g) The certificate of authorization may be renewed under § 17-48-204.

(h) A surveyor who renders occasional, part-time, or consulting surveying services to or for a firm may not, for the purposes of this section, be designated as being in responsible charge of the professional activities of the firm unless the surveyor is an officer or owner of the firm.

HISTORY: Acts 2009, No. 444, § 8.

17-48-208. Disciplinary action -- Procedures.

(a) The rules promulgated by the State Board of Licensure for Professional Engineers and Professional Surveyors for disciplinary procedures shall be based on and consistent with the model rules of procedure of the Attorney General.

(b) A charge, unless dismissed or settled informally, is to be heard by the board within twelve (12) months after the date on which the charge was submitted.

(c) (1) A fine or civil penalty not paid within fifty (50) days after the order becomes final is a judgment.

(2) The order is to be filed as a judgment and executed in the same manner as other judgments.

(d) The board, on petition of an individual licensee or firm holding a certificate of authorization, may reissue a certificate of licensure or authorization if a majority of the members of the board vote for the issuance.

HISTORY: Acts 2011, No. 898, § 6.

Tit. 17, Subtit. 2, Ch. 48, Subch. 3 Note

17-48-301. Purpose.

The purpose of this subchapter is to enable surveyors to have access to survey monuments, triangulation stations, traverse stations, leveling stations, section corners, quarter-section corners and sixteenth-section corners, locations, and other evidence needed in conducting or preparing for surveys or in preserving such monuments, triangulation stations, traverse stations, leveling stations, section corners, quarter-section corners and sixteenth-section corners, locations, or other evidence. It is particularly recognized that at times it is necessary for a surveyor to tread on property not in his or her survey contract because the boundaries and corners of any parcel of land are necessarily also those of adjoining parcels and because the location of boundaries and corners often are affected by the location of some that are remote and not adjoining.

HISTORY: Acts 1991, No. 862, § 1.

17-48-302. Definition.

As used in this subchapter, "surveyor" means a person:

- (1) Who is a registered surveyor licensed to practice in the State of Arkansas by permanent registration number or by special permit;
- (2) Employed in surveying by the United States Government, by the State of Arkansas, or by a local government agency; and
- (3) Who is under the direct supervision of or is employed by a person who is a surveyor under subdivision (1) or (2) of this section.

HISTORY: Acts 1991, No. 862, § 2.

17-48-303. Right to enter -- Immunity from arrest -- Identification.

(a) Surveyors shall have the right to enter on public or private land or waters, except buildings, in the lawful pursuit of their occupations and shall be immune from arrest for trespass when performing their duties as prescribed in this subchapter.

(b) (1) Where practical, surveyors shall announce and identify themselves and their intentions before entering upon private property.

(2) Surveyors will carry means of proper identification as to their registration or employment and will display the identification to anyone requesting it.

(3) Surveyors shall not use the privilege granted herein to extend that point of entry as determined by actual survey requirements.

HISTORY: Acts 1991, No. 862, §§ 3, 4.

17-48-304. Liability.

(a) Surveyors shall be personally liable for any damage caused to private property when exercising entry under this subchapter.

(b) Surveyors shall forfeit any and all claim for damage or personal injury against the landowner while on such

lands or waters unless the damage or injury is caused by the intentional tortious conduct of the landowner or his or her agent.

HISTORY: Acts 1991, No. 862, § 5.