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CHAPTER 310-A**Land Surveyors**

RSA 310-A:53 General Provisions

I. In order to safeguard property and to promote the public welfare, the practice of land surveying in this state is hereby declared to be subject to regulation in the public interest.

II. Except as provided in RSA 310-A:74, it shall be a class B misdemeanor for any person to practice or to offer to practice land surveying in this state, or to represent by verbal claim, sign, letterhead, card, or in any other way that such person is a land surveyor or is able to perform land surveying services, unless the person holds a license under this subdivision. Admission to practice land surveying shall be determined upon the basis of individual personal qualification.

III. Nothing in this subdivision shall be construed to give to a land surveyor the right to perform engineering design or other elements of the practice of engineering as defined in RSA 310-A:2, III.

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors as a business organization, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this subdivision and provided such entity has been issued a certificate of authorization by the board as provided in this subdivision. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this subdivision.

V. Each such entity shall file with the board of licensure a designation of any individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, owner or full-time employee of that entity. Such entity shall notify the board of licensure of any change in the entity's designation within 30 days after such change becomes effective.

310-A:54 Definitions. As used in this subdivision:

I. Board means the state board of licensure for land surveyors.

I-a. Business organization means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state.

I-b Certificate of authorization means any certificate issued by the board to a business organization to engage in the practice of land surveying.

II. A land surveyor is a professional specialist in the techniques of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined.

III. Land surveyor-in-training means a candidate for licensure as a land surveyor who, prior to completion of the requisite years of experience in surveying work provided in RSA 310-A:63, has met the preliminary requirements for licensure as a land surveyor, and has been issued a certificate by the board stating that such candidate is a land surveyor-in-training.

IV. Practice of land surveying means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography, alignment, and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

310-A:55 Board of Land Surveyors; Establishment; Criteria; Terms; Compensation and Expenses; Meetings; Records and Reports; Roster.

I. A board of licensure for land surveyors is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be land surveyors, and one public member. The public member of the board shall be a person who is not, and never was, a member of the land surveying profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of land surveying services or an activity directly related to land surveying, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each land surveyor member shall have actively practiced land surveying in New Hampshire for at least 6 years prior to appointment and shall have held a responsible position in charge of such work, which may include the teaching of land surveying.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed

for cause by the governor and council under RSA 4:1.

IV. Members of the board shall receive \$25.00 for each day actually engaged in the duties of the office, and shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

V. The board shall hold at least 4 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall elect or appoint a chairperson, vice-chairperson, and secretary. The secretary may or may not be a member of the board. Three members shall constitute a quorum.

VI. (a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected and the reasons for such rejection
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of July 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names, addresses, license numbers, and places of business of all land surveyors licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

310-A:56 Compensation and Expenses. Repealed effective 1/96

310-A:57 Organization and Meetings. Repealed Effective 1/96

310-A:58 Rulemaking Authority. The Board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for a license to practice under this subdivision;

II. The qualifications and record of applicants in addition to those requirements set under this subdivision including the qualifications for satisfactory evidence of good professional character;

III. How an applicant shall be examined, including the time and place of the examinations;

IV. How a license to practice under this subdivision shall be renewed, includ-

ing the requirements for continuing education;

V. The establishment of all fees required under this subdivision;

VI. Ethical and professional standards required to be met by each holder of a license to practice under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards including;

(a) Technical standards for forest, rural and urban surveys, including minimum error of closure; and

(b) Standards for adequate deed research into the history of the subject parcel and adjacent tracts necessary for proper practice;

VI-a Application procedures for the issuance of land surveying certificates for proprietorships, corporation and partnerships, including the qualifications of applicants in addition to those requirement set forth under this subdivision, and for satisfactory evidence of good professional character;

VII. Matters related to the proper administration of this subdivision;

VIII. Procedures for the conduct of hearings consistent with the requirements of due process; and

IX. The establishment of administrative fines which may be levied in the administration of this subdivision.

X. The requirements for retired status.

310-A:59 Additional Powers. The board shall adopt and have an official seal. The board may subpoena witnesses and compel their attendance, and also may require the production of books, papers and documents in a case involving the revocation of registration.

310-A:60 Fees. The board shall establish fees for examination of applicants, for licenses and for renewal of licenses to practice land surveying and for transcribing and transferring records and other services.

310-A:61 Receipts and Disbursements. The secretary of the board shall receive and account for all moneys derived under this subdivision, and shall pay the same to the state treasurer. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided herein. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which, in the opinion of the board, are reasonably necessary for the proper performance of its duties under this subdivision.

310-A:62 Report. Repealed Effective 1/96

310-A:63 Licensure.

I. As minimum evidence satisfactory to the board that a person is qualified for licensure as a land surveyor, such person shall have a specific record of 6 years or more accumulated experience in land surveying work indicating competency to practice land surveying and has passed a written or oral examination, or both, prescribed by the

board.

II. A year of accumulated experience for the purpose of paragraph I shall include, but not be limited to:

(a) A year during which the applicant was enrolled in an institution of higher learning pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the applicant completed at least one course in land surveying during the said enrollment; provided such education credits towards accumulated experience shall not exceed 4 years of accumulated experience.

(b) Any year during which the applicant was actively engaged in land surveying work as a land surveyor-in-training under the supervision of a licensed land surveyor; or

(c) Any substantial period of time (even if less than a full calendar year) during which the applicant, in the discretion of the board, was considered to be actively engaged in land surveying work.

III. An applicant for licensure as a land surveyor who is a resident of a state, country, or territory where licensure or registration is prerequisite to the legal practice of land surveying, shall be licensed or registered in such state, country or territory prior to being eligible for licensure as a land surveyor under this subdivision.

IV. A person not a resident of and having no established place of business in this state who wishes to practice or to offer to practice the profession of land surveying in this state may make application to the board on a board form for a temporary certificate to practice, provided such person is licensed in a state or country in which the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or greater than those specified in this subdivision. Upon written approval of the application by the chairperson and the secretary, the applicant shall be authorized to practice the profession of land surveying in this state, limited to such periods as shall be determined by the board, but not to exceed an aggregate of 30 days in one calendar year. Any portion of a day shall be counted as a whole day.

310-A:64 Qualifications as a Surveyor-in-training. A person who has passed the board's written examination in fundamentals of land surveying shall be certified, or enrolled, as a land surveyor-in-training.

310-A:65 Application. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying experience. All applications shall be accompanied by a fee established by the board.

310-A:65-a Application for Certificate of Authorization. The Board shall issue a certificate of authorization to any business organization in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any proprietorship under this subdivision, the proprietorship shall file with the board an application on a form provided by the board, which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying of the proprietorship.

(c) Any other information required by the board relevant to the practice of land surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, a business organization, other than a proprietorship or partnership, shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all officers and board members of the business organization.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the business organization.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the board an application on a form provided by the board, which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the board by a business organization under paragraphs I, II and III shall be reported to the board within 30 days of the change.

310-A:66 Examinations.

I. The board, upon application and payment of a fee, shall provide a written examination in the fundamentals of land surveying. Upon application and payment of a fee, and after successfully passing the fundamentals examination and completing the requisite years of professional experience, the board shall provide a written professional examination.

II. Examinations shall be held at such time and place as the board shall determine. The scope of the examination and the method of procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of 6 months. Subsequent examinations will be granted upon payment of the fee to be determined by the board. A candidate failing the examination 3 consecutive times, shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to take the examination again.

310-A:67 Licenses.

I. The board shall issue a license upon payment of the required fee to any applicant who, in the opinion of the board, has satisfactorily met all the requirements for such license. This license shall authorize the practice of land surveying. The issuance of a license by the board shall be prima facie evidence that the licensee is entitled to all rights and privileges of a licensed land surveyor while the license remains valid.

II. Each licensee shall obtain a seal of the design authorized by the board, bearing the licensee's name, the legend Licensed Land Surveyor, and a place for the licensee's signature. Plans, plats, and reports prepared by a licensee shall be stamped with the seal and signed by the licensee during the life of the license, but it shall be a class B misdemeanor for anyone to stamp or seal any document with a seal after expiration, suspension or revocation of a license, unless the license has been renewed or reissued.

III. All plans and documents issued under a temporary certificate shall be stamped or otherwise noted to indicate the land surveyor's temporary certificate number and the beginning and ending date to the temporary certificate. All such plans and documents shall be signed by the temporary certificate holder.

310-A:68 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the board and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. The failure on the part of any licensee to renew the license in the month of expiration as required above shall not deprive such person of the right of renewal, provided that the board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure as required in this section.

310-A:69 Nonresidents.

I. The board may, upon application therefore and payment of the required fee, issue a license as a licensed land surveyor to any person of any state, territory or possession of the United States or of any country provided that the applicant is registered or licensed in another state, territory or country whose requirements are equal to, or greater than, the requirements of this state.

II. The secretary of the state shall not issue a certificate of incorporation to any applicant for incorporation or for registration as a foreign business organization which includes the words surveyor or surveying or any modification or derivative thereof in its business name, or which includes the practice of land surveying among the objects for which it is established, unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to business organizations holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

310-A:69 a General Liability. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, owners or partners by reason of its compliance with the provisions of this subdivision, nor shall any individual practicing land surveying be relieved of responsibility for land surveying services performed by reason of that individual's employment by or relationship with such business organization.

310-A:70 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconducts sufficient to support disciplinary proceedings under this section shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision;
- (b) Conviction of a felony or any offense involving moral turpitude;
- (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of the profession;
- (d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the professional expertise of the licensee;
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which render the licensee unfit to practice under this subdivision;
- (f) Mental or physical incompetency to practice under this subdivision;
- (g) Willful or repeated violation of the provisions of this subdivision; or
- (h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways.

- (a) By reprimand;
- (b) By suspension, limitation or restriction of license for a period of up to 5 years;
- (c) By revocation of license; or
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.
- (e) By assessing administrative fines not to exceed \$2,000 per violation or, in the case of continuing violations, \$100 for each day the violation continues, whichever would be greater.

310-A:71 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by

the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

310-A:72 Violations and Penalties. Any person who shall practice or offer to practice land surveying in this state for others without being licensed in accordance with this subdivision, or any person presenting or attempting to use as one's own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or non-existent or revoked license or authorization, or any person who shall violate any of the provisions of this subdivision shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if a business organization.

310-A:73 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:72 on proceedings brought by the attorney general or by any society of land surveyors incorporated under the laws of this state.

310-A:74 Exemptions. This subdivision shall not be construed to prevent or to affect:

I. The practice of land surveying principles by a licensed professional engineer which shall include those support surveying activities which may be required to aid, verify, or facilitate the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this chapter, but shall exclude the surveying of real property for the establishment or re-establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

II. The work of an employee or a surveyor-in-training for a person holding a license under this subdivision, or an employee of a person practicing lawfully under paragraph I, done under the direct responsibility, checking, and supervision of a person holding a license under this subdivision or a person practicing lawfully under paragraph I.

III. The practice of officers and employees of the government of the United States while engaged within this state in the practice of land surveying, for the government; or

IV. The practice of surveying principles necessary in carrying out forest management practices, including the remarking of established boundaries and the establishment of new interior boundaries of a forest property, but not to include the establishment of boundaries common to another owner where the corners or boundary is unknown.

V. Preparation of mortgage plot plans and mortgage inspection reports, provided that:

(a) Any drawings prepared in connection with such plans or reports shall include the conspicuously-placed legend in 24 point or larger type: This drawing is not a survey/For mortgage purposes only, or language which is substantially the same.

(b) Any such drawing shall not bear any professional seal.

These laws are made available to the public by the

New Hampshire Joint Board of Licensure and Certification

57 Regional Drive
Concord, New Hampshire 03301
(603) 271-2219

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