

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES**BOARD OF LICENSURE FOR LAND SURVEYORS**

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TABLE OF CONTENTS**[CHAPTER Lan 100 ORGANIZATIONAL RULES](#)****PART Lan 101 PURPOSE AND SCOPE**

- Section Lan 101.01 Purpose and Scope

PART Lan 102 DESCRIPTION OF THE BOARD

- Section Lan 102.01 Terms Used

PART Lan 103 BOARD ORGANIZATION

- Section Lan 103.01 Duties and Responsibilities
- Section Lan 103.02 Composition of the Board
- Section Lan 103.03 The Chairperson and Vice Chairperson
- Section Lan 103.04 Staff
- Section Lan 103.05 Organization
- Section Lan 103.06 Seal
- Section Lan 103.07 Office Hours, Office Location, Mailing Address and Telephone

PART Lan 104 PUBLIC INFORMATION

- Section Lan 104.01 Record of Board Actions
- Section Lan 104.02 Custodian of Records
- Section Lan 104.03 Roster Distributions

PART Lan 105 MEETINGS, DELIBERATIONS AND DECISIONS

- Section Lan 105.01 Meetings
- Section Lan 105.02 Quorum
- Section Lan 105.03 Board Meeting Procedures
- Section Lan 105.04 Procedures
- Section Lan 105.05 Tentative Decisions

PART Lan 106 APPOINTMENT OF COMMITTEES

- Section Lan 106.01 Committees

[CHAPTER Lan 200 PRACTICE AND PROCEDURE](#)**PART Lan 201 PURPOSE AND SCOPE**

- Section Lan 201.01 Purpose and Scope

PART Lan 202 DEFINITIONS

- Section Lan 202.01 Purpose and Scope

PART Lan 203 PRESIDING OFFICER: WITHDRAWAL AND WAIVER OF RULES

- Section Lan 203.01 Presiding Officer; Appointment; Authority
- Section Lan 203.02 Withdrawal of Presiding Officer
- Section Lan 203.03 Waiver or Suspension of Rules by Presiding Officer

PART Lan 204 FILING, FORMAT AND DELIVERY OF DOCUMENTS

- Section Lan 204.01 Date of Issuance or Filing
- Section Lan 204.02 Format of Documents
- Section Lan 204.03 Delivery of Documents

PART Lan 205 TIME PERIODS

- Section Lan 205.01 Computation of Time

PART Lan 206 MOTIONS AND PLEADINGS

- Section Lan 206.01 Motions; Objections
- Section Lan 206.02 Pleadings

PART Lan 207 NOTICE OF HEARING; APPEARANCES; PRE-HEARING CONFERENCES

- Section Lan 207.01 Commencement of Hearing
- Section Lan 207.02 Docket Numbers
- Section Lan 207.03 Notice of Meeting
- Section Lan 207.04 Appearances and Representation
- Section Lan 207.05 Prehearing Conference

PART Lan 208 ROLES OF BOARD STAFF AND COMPLAINANTS

- Section Lan 208.01 Role of Board Staff in Enforcement or Disciplinary Hearings
- Section Lan 208.02 Role of complainants in Enforcement or Disciplinary Hearings

PART Lan 209 INTERVENTION

- Section Lan 209.01 Intervention

PART Lan 210 POSTPONEMENT REQUESTS AND FAILURE TO ATTEND HEARING

- Section Lan 210.01 Postponements
- Section Lan 210.02 Failure to Attend Hearing

PART Lan 211 REQUESTS FOR INFORMATION OR DOCUMENTS

- Section Lan 211.01 Voluntary Production of Information
- Section Lan 211.02 Motions to Compel Production of Information
- Section Lan 211.03 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits

PART Lan 212 RECORD, PROOF, EVIDENCE AND DECISIONS

- Section Lan 212.01 Record of the Hearing
- Section Lan 212.02 Standard and Burden of Proof
- Section Lan 212.03 Testimony; Order of Proceeding
- Section Lan 212.04 Evidence
- Section Lan 212.05 Proposed Findings of Fact and Conclusions of Law
- Section Lan 212.06 Closing the Record
- Section Lan 212.07 Reopening the Record
- Section Lan 212.08 Decisions

PART Lan 213 MOTION FOR REHEARING

- Section Lan 213.01 Purpose
- Section Lan 213.02 Applicability
- Section Lan 213.03 Filing and Content of Motion
- Section Lan 213.04 Standard for Granting Motion for Rehearing
- Section Lan 213.05 Decision on Motion for Rehearing

PART Lan 214 RULEMAKING PUBLIC COMMENT HEARINGS

- Section Lan 214.01 Purpose
- Section Lan 214.02 Scope
- Section Lan 214.03 Notice
- Section Lan 214.04 Media Access
- Section Lan 214.05 Moderator
- Section Lan 214.06 Public Participation

PART Lan 215 PETITION FOR RULEMAKING

- Section Lan 215.01 Petition for Rulemaking
- Section Lan 215.02 Disposition of Petition

PART Lan 216 DECLARATORY RULINGS

- Section Lan 216.01 Petitions
- Section Lan 216.02 Action on Petitions

PART Lan 217 EXPLANATION AFTER ADOPTION

- Section Lan 217.01 Explanation after Adoption

[CHAPTER Lan 300 LICENSURE REQUIREMENTS](#)

PART Lan 301 APPLICATION REQUIREMENTS

- Section Lan 301.01 Application Process

- Section Lan 301.02 Application for Licensure
- Section Lan 301.03 References Required
- Section Lan 301.04 Information from References
- Section Lan 301.05 Additional References
- Section Lan 301.06 Certificate of Authorization Application

PART Lan 302 QUALIFICATIONS OF APPLICANTS

- Section Lan 302.01 Terms Used
- Section Lan 302.02 Candidate Requirements
- Section Lan 302.03 Experience Requirements
- Section Lan 302.04 Additional Requirements
- Section Lan 302.05 Business Organization Certificate Requirements

PART Lan 303 EXAMINATION

- Section Lan 303.01 Examination Requirements
- Section Lan 303.02 Re-examinations

PART Lan 304 APPLICATION/LICENSURE FEES

- Section Lan 304.01 Fees
- Section Lan 304.02 Application/Licensure Fees
- Section Lan 304.03 Replacement Fee
- Section Lan 304.04 License Renewal Fee
- Section Lan 304.05 Certificate of Authorization Renewal Fee
- Section Lan 304.06 Retired Status Fee

PART Lan 305 CREDENTIALS

- Section Lan 305.01 License
- Section Lan 305.02 Pocket Cards
- Section Lan 305.03 Licensed Land Surveyor Seal/Stamp

PART Lan 306 TEMPORARY PERMIT

- Section Lan 306.01 Temporary Permit

CHAPTER Lan 400 CONTINUED STATUS

PART Lan 401 RENEWAL

- Section Lan 401.01 License Renewal
- Section Lan 401.02 Renewal Application
- Section Lan 401.03 Denial of Renewal
- Section Lan 401.04 Certificate of Authorization Renewal
- Section Lan 401.05 Certificate of Authorization Renewal Application

PART Lan 402 DISCIPLINARY MATTERS

- Section Lan 402.01 Initiation of Disciplinary Action
- Section Lan 402.02 Disciplinary Sanctions
- Section Lan 402.03 Disciplinary Fines
- Section Lan 402.04 Procedures for Assessing Administrative Fines

PART Lan 403 CONTINUING EDUCATION

- Section Lan 403.01 Minimum Standards for Renewal of License
- Section Lan 403.02 Record Keeping
- Section Lan 403.03 CEU Credits
- Section Lan 403.04 Exemptions
- Section Lan 403.05 Waiver of Continuing Education Deadline
- Section Lan 403.06 Noncompliance

CHAPTER Lan 500 ETHICAL STANDARDS

PART Lan 501 CODE OF ETHICS

- Section Lan 501.01 Purpose and Scope
- Section Lan 501.02 Obligation to Obey
- Section Lan 501.03 Standards of Conduct

PART Lan 502 RESEARCH STANDARDS

- Section Lan 502.01 Research Standards

PART Lan 503 TECHNICAL STANDARDS

- Section Lan 503.01 Terminology
- Section Lan 503.02 Definitions
- Section Lan 503.03 Survey Requirements
- Section Lan 503.04 Classifications of Real Property Surveys
- Section Lan 503.05 Specifications
- Section Lan 503.06 Applicable Specifications
- Section Lan 503.07 Metric System
- Section Lan 503.08 Monumentation of Boundary and Subdivision Surveys
- Section Lan 503.09 Plats
- Section Lan 503.10 GPS Documentation

CHAPTER Lan 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION

PART Lan 101 PURPOSE AND SCOPE

[Back To Top](#)

Lan 101.01 Purpose and Scope. The rules of this title implement the statutory responsibilities of the New Hampshire board of licensure for land surveyors created by RSA 310-A: 53. These provisions regulate but are not limited to the licensing of land surveyors and the practice of land surveying in the state of New Hampshire.

PART Lan 102 DEFINITIONS

Lan 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) "Board" means the New Hampshire board of licensure for land surveyors created by RSA 310-A:53.

(b) "Board administrator" means the board's staff director, a person with delegated authority to perform administrative and clerical functions for the board.

(c) "Certificate of authorization" means, certificate of authorization as defined in RSA 310-A:54 I-b namely, "any certificate issued by the board to a business organization to engage in the practice land surveying."

(d) "Land surveyor" means, land surveyor as defined in RSA 310-A:54, II namely " 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."

(e) "Land surveyor-in-training" means land surveyor-in-training as defined in RSA 310-A:54, III namely "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."

(f) "Land Surveyor Retired" The term "land surveyor retired" shall mean a person who has been licensed as a land surveyor by the board and who chooses to relinquish or not to renew a license and who applies for the honorary status of "land surveyor, retired."

(g) "Practice of land surveying" means, practice of land surveying as defined in RSA 310-A:53, IV, namely "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."

PART Lan 103 BOARD ORGANIZATION

Lan 103.01 Duties and Responsibilities The board shall administer the provisions of RSA 310-A:53-74 which include but are not limited to safeguarding property, to promoting public welfare and maintaining a high standard of integrity, skills and practice in the profession of land surveying in this state.

Lan 103.02 Composition of the Board. The board shall consist of 5 members who meet the eligibility requirements of RSA 310-A:55.

Lan 103.03 The Chairperson and Vice Chairperson. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall preside.

Lan 103.04 Staff. The board shall designate a board administrator and such other staff members as are necessary to perform the record-keeping and other statutory functions of the board and to oversee the board's day-to-day operations.

Lan 103.05 Organization. Beginning with the regular meeting in October and annually thereafter, the board shall meet and organize and, by election from among its members, select a chairperson, vice-chairperson and secretary.

Lan 103.06 Seal. The seal of the board shall be an embossed circular seal consisting of 2 concentric circles, the outer circle having a diameter of 2 inches and an inner circle having a diameter of 1.7 inches. In the space between the 2 circles there shall be the words "Board of Licensure for Land Surveyors"

At the top of the seal, inside of the inner circle, shall be the words "New Hampshire." In the center space there shall be a representation of the Old Man of the Mountain.

Lan 103.07 Office Hours, Office Location, Mailing Address and Telephone.

(a) The board's office shall be located at the New Hampshire Joint Board, 57 Regional Drive, Concord, N.H. and shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.

(b) Correspondence shall be addressed to the board's administrator at:

New Hampshire Joint Board

57 Regional Drive

Concord, N.H. 03301

(c) The board's telephone number shall be (603)-271-2219.

PART Lan 104 PUBLIC INFORMATION

Lan. 104.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board. Minutes of board actions which are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be public records and shall be available for inspection during the board's ordinary office hours within 144 hours from the close the meeting or vote in questions unless the 72 hours availability requirement of RSA 91-A:3, III is applicable.

Lan 104.02 Custodian of Records. Persons desiring copies or board records shall submit a request which identifies as particularly as possible the information being sought and agrees to pay the actual costs incurred by the board for the documents provided. If records are requested which contain both public and confidential information, the board shall delete the confidential information and provide the remaining information.

Lan. 104.03 Roster Distribution Copies of a roster containing names, addresses, and assigned numbers of licensed land surveyors shall be furnished upon request. The fee shall be \$10.00.

PART Lan 105 MEETINGS, DELIBERATIONS AND DECISIONS

Lan 105.01 Meetings. Regular meetings shall be held at least 4 times each year. Special meetings shall be called by order of the chairperson or secretary. Each member of the board shall be notified in writing of each meeting and such notice shall contain the place, date, time, and subject of the meeting. Notice of meetings shall be posted at the board office and the state house.

Lan 105.02 Quorum. A quorum of the board shall consist of not less than 3 members and a majority vote by the members present shall be necessary to pass a motion unless otherwise specified by law. In the absence of the chair, vice chair, or secretary, the chair shall designate a pro tempore officer for the officer or officers absent.

Lan 105.03 Board Meeting Procedures. The board shall conduct its meetings in the following

order:

- (a) Acceptance of the agenda;
- (b) Reading of the minutes;
- (c) Interviews/meetings;
- (d) Reading of communications;
- (e) Reading and consideration of applications;
- (f) Unfinished business;
- (g) New business; and
- (h) Adjournment.

Lan 105.04 Procedures. Roberts Rules of Order, 9th edition dated 1990 shall govern the procedures of the board.

Lan. 105.05 Tentative Decisions

(a) When necessary to conduct the board's business in a timely and efficient manner, the board shall instruct its staff or a committee of the board to prepare a draft document, subject to subsequent review and approval by the board. Such instructions shall be known as tentative decisions.

(b) Tentative decisions shall not be final actions, and shall not be binding upon the board. Changes in the form or the substance of a tentative decision shall be made as often as necessary to produce a final document, which satisfactorily sets forth the final result the board intends to reach. The board's final decision shall be issued only when the necessary majority has voted in favor of the final form of the proposed action, allowing time for printing or servicing the document in question.

PART Lan 106 APPOINTMENT OF COMMITTEES

Lan 106.01 Committees

(a) A committee shall consist of one or more of board members who have been directed by the board to investigate and make recommendations on matters which could be handled by the full board.

(b) When expressly authorized by the board, the authority of a committee shall include:

- (1) The retention of voluntary assistance from qualified non-board members; and
- (2) The retention of paid advisors or consultants pursuant to RSA 332:G-3.

CHAPTER Lan 200 PRACTICE AND PROCEDURE

[Back To Top](#)

PART Lan 201 PURPOSE AND SCOPE

Lan 201.01 Purpose and Scope. The board shall conduct various proceedings for the purpose of acquiring sufficient information to make fair and reasoned decisions on matters within its statutory jurisdiction, including decisions on applications for licensure and complaints filed against licensees and others in the practice of land surveying. These rules are intended to secure the just, efficient and accurate resolution of all board proceedings.

PART Lan 202 DEFINITIONS

Lan 202.01 Purpose and Scope.

(a) "Appearance" means a written notification to the board that a party or a party's representative intends to actively participate in a hearing.

(b) "Hearing" means "adjudicative proceeding" as defined by RSA 541-A:1, I, namely, "the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36."

(c) "Motion" means a request to the presiding officer for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request.

(d) "Natural person" means a human being.

(e) "Party" means "party" as defined by RSA 541-A:1, XII, namely, "each person or board named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party." The term "party" includes all intervenors in a proceeding, subject to any limitations established pursuant to RSA 541-A:33, III.

(f) "Person" means "person" as defined by RSA 541-A:1, XIII, namely, "any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than a board."

(g) "Presiding officer" means presiding officer as defined in RSA 541-A:1, XIV, namely, "that individual to whom the board has delegated the authority to preside over a proceeding, if any; otherwise it shall mean the head of the board."

(h) "Proof by a preponderance of the evidence" means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not to be true.

PART Lan 203 PRESIDING OFFICER; WITHDRAWAL AND WAIVER OF RULES

Lan 203.01 Presiding Officer; Appointment; Authority

(a) All hearings shall be conducted for the board by a natural person appointed or authorized to serve as a presiding officer.

(b) A presiding officer shall as necessary:

(1) Regulate and control the course of a hearing;

- (2) Facilitate an informal resolution acceptable to all parties;
- (3) Administer oaths and affirmations;
- (4) Receive relevant evidence at hearings and exclude irrelevant, immaterial or unduly repetitious evidence;
- (5) Rule on procedural requests, including adjournments or postponements, at the request of a party or on the presiding officer's own motion;
- (6) Question any witness to develop a complete record;
- (7) Cause a complete record of any hearing to be made, as specified in RSA 541-A:31, VI; and
- (8) Take any other action consistent with applicable statutes, rules and case law necessary to conduct the hearing and complete the record in a fair and timely manner.

Lan 203.02 Withdrawal of Presiding Officer.

- (a) Upon his or her own initiative or upon the motion of any party, a presiding officer or board official shall, for good cause withdraw from any hearing.
- (b) Good cause shall exist if a presiding officer or board official:
 - (1) Has a direct interest in the outcome of a proceeding, including, but not limited to, a financial or family relationship;
 - (2) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of a case; or
 - (3) Personally believes that he or she cannot fairly judge the facts of a case
- (c) Mere knowledge of the issues, the parties or any witness shall not constitute good cause for withdrawal.

Lan 203.03 Waiver or Suspension of Rules by Presiding Officer. The presiding officer, upon his or her own initiative or upon the motion of any party, shall suspend or waive any requirement or limitation imposed by this chapter upon reasonable notice to affected persons when the proposed waiver or suspension appears to be lawful, and would be more likely to promote the fair, accurate and efficient resolution of issues pending before the board than would adherence to a particular rule or procedure.

PART Lan 204 FILING, FORMAT AND DELIVERY OF DOCUMENTS

Lan 204.01 Date of Issuance or Filing. All documents governed by these rules shall be rebuttably presumed to have been issued on the date noted on the document and to have been filed with the board on the actual date of receipt by the board, as evidenced by a date stamp placed on the document by the board in the normal course of business.

Lan 204.02 Format of Documents

- (a) All correspondence, pleadings, motions or other documents filed under these rules shall:

- (1) Include the title and docket number of the proceeding, if known;
- (2) Be typewritten or clearly printed on durable paper 8 1/2 by 11 inches in size;
- (3) Be signed by the party or proponent of the document, or, if the party appears by a representative, by the representative; and
- (4) Include a statement certifying that a copy of the document has been delivered to all parties to the proceeding in compliance with Lan 204.03.

(b) A party or representative's signature on a document filed with the board shall constitute certification that:

- (1) The signer has read the document;
- (2) The signer is authorized to file it;
- (3) To the best of the signer's knowledge, information and belief there are good and sufficient grounds to support it; and
- (4) The document has not been filed for purposes of delay.

Lan 204.03 Delivery of Documents

(a) Copies of all petitions, motions, exhibits, memoranda, or other documents filed by any party to a proceeding governed by these rules shall be delivered by that party to all other parties to the proceeding.

(b) All notices, orders, decisions or other documents issued by the presiding officer or board shall be delivered to all parties to the proceeding.

(c) Delivery of all documents relating to a proceeding shall be made by personal delivery or by depositing a copy of the document, by first class mail, postage prepaid, in the United States mail, addressed to the last address given to the board by the party or if represented to the parties representative.

(d) When a party appears by a representative, delivery of a document to the party's representative at the address stated on the appearance filed by the representative shall constitute delivery to the party.

PART Lan 205 TIME PERIODS

Lan 205.01 Computation of Time

- (a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.
- (b) Computation of any period of time referred to in these rules shall begin with the day after the action which sets the time period in motion, and shall include the last day of the period so computed.
- (c) If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday or legal holiday.

PART Lan 206 MOTIONS AND PLEADINGS

Lan 206.01 Motions; Objections.

(a) Motions shall be in written form and filed with the presiding officer, unless made in response to a matter asserted for the first time at a hearing or on the basis of information which was not received in time to prepare a written motion.

(b) Oral motions and any oral objection to such motions shall be recorded in full in the record of the hearing. If the presiding officer finds that the motion requires additional information in order to be fully and fairly considered, the presiding officer shall order the moving party to submit the motion in writing, with supporting information, within 5 days of the order. Objections to such motions shall be filed within 5 days of the filing of the motion.

(c) Objections to written motions shall be filed within 30 days of the date of the motion;

(d) Failure by an opposing party to object to a motion shall not in and of itself constitute grounds for granting the motion.

(e) The presiding officer shall rule upon a motion after full consideration of all objections and other factors relevant to the motion.

Lan 206.02 Pleadings.

(a) The only pleadings permitted shall be petitions, other than for rulemaking, and replies to petitions. Applications shall not be considered pleadings.

(b) All petitions shall contain:

(1) The name and address of the petitioner;

(2) The name and address of the petitioner's representative, if any;

(3) A concise statement of the facts that caused the petitioner to request the board to act;

(4) The action that the petitioner wishes the board to take; and

(5) The identification of any statutes, rules, orders, or other authority that entitles the petitioner to request the board to act.

(c) Board replies to petitions shall contain:

(1) The name and address of the petitioner;

(2) The name and address of the representative of the petitioner, if any;

(3) A statement addressing each fact alleged in the petition;

(4) A statement addressing the authority identified by the petitioner;

(5) A concise response to each statement;

(6) The identification of any statutes, rules, orders, or other authority, not identified in the petition, having a bearing upon the subject matter of the petition; and

(7) The action the board took.

(d) Replies shall be filed within 90 days from the date of the petition.

PART Lan 207 NOTICE OF HEARING; APPEARANCES; PRE-HEARING CONFERENCES

Lan 207.01 Commencement of Hearing. A hearing shall be commenced by an order of the board giving notice to the parties at least 30 days prior to the hearing as required by Lan 207.03.

Lan 207.02 Docket Numbers. A docket number shall be assigned to each matter to be heard which shall appear on the notice of hearing and all subsequent orders or decisions of the board.

Lan 207.03 Notice of Hearing.

(a) A notice of a hearing issued by the board at least 30 days prior to the hearing and shall contain the information required by RSA 541-A:31, III, namely:

(1) A statement of the time, place and nature of any hearing;

(2) A statement of the legal authority under which a hearing is to be held;

(3) A reference to the particular statutes and rules involved including this chapter;

(4) A short and plain statement of the issues presented;

(5) A statement that each party has the right to have an attorney represent them at their own expense; and

(6) A statement that each party has the right to have the board provide a certified shorthand court reporter at the party's expense and that any such request shall be submitted in writing at least 10 days prior to the hearing.

Lan 207.04 Appearances and Representation

(a) A party or the party's representative shall file an appearance that includes the following information:

(1) A brief identification of the matter;

(2) A statement as to whether or not the representative is an attorney; and

(3) The party or representative's daytime address and telephone number.

Lan 207.05 Prehearing Conference. Any party may request, or the presiding officer shall schedule on his or her own initiative, a pre-hearing conference in accordance with RSA 541-:31,V to consider:

- (a) Offers of settlement;
- (b) Simplification of the issues;
- (c) Stipulations or admissions as to issues of fact or proof by consent of the parties;
- (d) Limitations on the number of witnesses;
- (e) Changes to standard procedures desired during the hearing by consent of the parties;
- (f) Consolidation of examination of witnesses; and
- (g) Any other matters which aid in the disposition of the proceeding.

PART Lan 208 ROLES OF BOARD STAFF AND COMPLAINANTS

Lan 208.01 Role of Board Staff in Enforcement or Disciplinary Hearings. Unless called as witnesses, board staff as defined in Lan 103.04 shall have no role in any enforcement or disciplinary hearing.

Lan 208.02 Role of Complainants in Enforcement or Disciplinary Hearings. Unless called as a witness or granted party or intervenor status, a person who initiates an adjudicative proceeding by complaining to the board about the conduct of person who becomes a party shall have no role in any enforcement or disciplinary hearing.

PART Lan 209 Intervention

Lan 209.01 Intervention.

(a) A non-party may intervene in a matter pending before the board under the provisions of RSA 541-A:32, by filing a motion stating facts demonstrating that the non-party's rights or other substantial interests might be affected by the proceeding or that the non-party qualifies as an intervenor under any provision of law.

(b) If the presiding officer determines that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the hearing, he or she shall grant the motion for intervention.

(c) Participation by intervenors shall be limited to that which is necessary to protect the interest identified in the petition for intervention.

(d) Petitions for intervention shall be filed any time after commencement of a proceeding, and state:

(1) The petitioner's interest in the subject matter of the hearing;

(2) Whether the petitioner appears in support of the complainant, or the respondent, as well as for his or her own interest;

(3) Why the interests of the parties and the orderly and prompt conduct of the proceeding would not be impaired; and

(4) Any other reasons why the petitioner should be permitted to intervene.

(e) A person filing a complaint that becomes the subject of a disciplinary hearing shall be served with the hearing notice and notified of the right to intervene in the proceeding.

(f) Once granted leave to intervene, an intervenor shall take the proceeding as he or she find it and no portion of the proceeding shall be repeated because of the fact of intervention.

PART Lan 210 POSTPONEMENT REQUESTS AND FAILURE TO ATTEND HEARING

Lan 210.01 Postponements.

(a) Any party to a hearing may make an oral or written motion that a hearing be postponed to a later date or time.

(b) If a postponement is requested by a party to the hearing, it shall be granted if the presiding officer determines that good cause has been demonstrated. Good cause shall include the unavailability of parties, witnesses or attorneys necessary to conduct the hearing, the likelihood that a hearing will not be necessary because the parties have reached a settlement or any other circumstances that demonstrate that a postponement would assist in resolving the case fairly.

(c) If the later date, time and place are known at the time of the hearing that is being postponed, the date, time and place shall be stated on the record. If the later date, time and place are not known at the time of the hearing that is being postponed, the presiding officer shall issue a written scheduling order stating the date, time and place of the postponed hearing as soon as practicable.

Lan 210.02 Failure to Attend Hearing. If any party to whom notice has been given in accordance with Lan 207.03 fails to attend a hearing, the presiding officer shall declare that party to be in default and either:

(a) Dismiss the case, if the party with the burden of proof fails to appear; or

(b) Hear the testimony and receive the evidence offered by a party, if that party has the burden of proof in the case.

PART Lan 211 REQUESTS FOR INFORMATION OR DOCUMENTS

Lan 211.01 Voluntary Production of Information.

(a) Each party shall attempt in good faith to completely and timely respond to requests for the voluntary production of information or documents relevant to the hearing.

(b) When a dispute between parties arises concerning a request for the voluntary production of information or documents, any party may file a motion to compel the production of the requested information under Lan 211.02.

Lan 211.02 Motions to Compel Production of Information

(a) Any party may make a motion requesting that the presiding officer order the parties to comply with information requests. The motion shall be filed at least 15 days before the date scheduled for the hearing, or as soon as possible after receiving the notice of hearing.

(b) The moving party's motion shall:

- (1) Set forth in detail those factors which it believes justify its request for information; and
- (2) List with specificity the information it is seeking to discover.

(c) When a party has demonstrated that such requests for information are necessary for a full and fair presentation of the evidence at the hearing, the presiding officer shall grant the motion.

Lan 211.03 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits At least 5 days before the hearing the parties shall exchange a list of all witnesses to be called at the hearing with a brief summary of their testimony, a list of all documents or exhibits to be offered as evidence at the hearing, and a copy of each document or exhibit.

PART Lan 212 RECORD, PROOF, EVIDENCE AND DECISIONS

Lan 212.01 Record of the Hearing.

(a) The board shall record the hearing by tape recording or other method that will provide a verbatim record except for a proceeding on emergency action shall be governed by RSA 541-A:30, III.

(b) If any person requests a transcript of the taped record, the board shall cause a transcript to be prepared and, upon receipt of payment for the cost of the transcription, shall provide copies of the transcript to the requesting party.

(c) At the request of a party to any proceeding involving disciplinary action, the record of the proceeding shall be made by a certified shorthand court reporter provided by the board at the requesting party's expense. A request for a certified shorthand court reporter shall be filed at least 10 days prior to the hearing.

Lan 212.02 Standard and Burden of Proof The party asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.

Lan 212.03 Testimony; Order of Proceeding

(a) Any person offering testimony, evidence or arguments shall state for the record his or her name, and role in the proceeding. If the person is representing another person, the person being represented shall also be identified.

(b) Testimony shall be offered in the following order:

- (1) The party or parties bearing the burden of proof and such witnesses as the party may call;
- (2) The party or parties opposing the party who bears the overall burden of proof and such witnesses as the party may call.

Lan 212.04 Evidence

(a) Receipt of evidence shall be governed by the provisions of RSA 541-A:33.

(b) All documents, materials and objects offered as exhibits shall be admitted into evidence unless excluded by the presiding officer as irrelevant, immaterial, unduly repetitious or legally privileged.

(c) All objections to the admissibility of evidence shall be stated as early as possible in the hearing, but not later than the time when the evidence is offered.

(d) Transcripts of testimony and documents or other materials, admitted into evidence shall be public records unless the presiding officer determines that all or part of a transcript or document is exempt from disclosure under RSA 91-A:5 or applicable case law.

Lan 212.05 Proposed Findings of Fact and Conclusions of Law

(a) Any party may submit proposed findings of fact and conclusions of law to the presiding officer prior to or at the hearing.

(b) Upon request of any party, or if the presiding officer determines that proposed findings of fact and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer shall specify a date after the hearing for the submission of proposed findings of fact and conclusions of law.

(c) In any case where proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.

Lan 212.06 Closing the Record

(a) After the conclusion of the hearing, the record shall be closed and no other evidence shall be received into the record, except as allowed by paragraphs (b) of this section and Lan 212.08.

(b) Before the conclusion of the hearing, a party may request that the record be left open to allow the filing of specified evidence not available at the hearing. If the other parties to the hearing have no objection or if the presiding officer determines that such evidence is necessary to a full consideration of the issues raised at the hearing, the presiding officer shall keep the record open for the period of time necessary for the party to file the evidence for cross examination on such evidence.

Lan 212.07 Reopening the Record. At any time prior to the issuance of the decision on the merits, the presiding officer, on the presiding officer's own initiative or on the motion of any party, shall reopen the record to receive relevant, material and non-duplicative testimony, evidence or arguments not previously received, if the presiding officer determines that such testimony, evidence or arguments are necessary to a full and fair consideration of the issues to be decided.

Lan 212.08 Decisions

(a) A board member shall not participate in making a decision unless he or she personally heard the testimony in the case, unless the matter's disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.

(b) If a presiding officer has been delegated the authority to conduct a hearing in the absence of a

majority of the officials of the board who are to render a final decision, the presiding officer shall submit to the board a written proposal for decision, which shall contain a statement of the reasons for the decision and findings of fact and rulings of law necessary to the proposed decision.

(c) If a proposal for decision in a matter not personally heard by the board is adverse to a party to the proceeding other than the board itself, the board shall serve a copy of the proposal for decision on each party to the proceeding and provide an opportunity to file exceptions and present briefs and oral arguments to the board.

(d) A proposal for decision shall become a final decision upon its approval by the board.

(e) A board shall keep a decision on file in its records for at least 5 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.

PART Lan 213 MOTION FOR REHEARING

Lan 213.01 Purpose The rules in this part are intended to supplement any statutory provisions, including RSA 541, that require or allow a person to request a rehearing of a decision of the board prior to appealing the decision.

Lan 213.02 Applicability. The rules in this part shall apply whenever any person has a right under applicable law to request a rehearing of a decision prior to filing an appeal of the decision with the court having appellate jurisdiction.

Lan 213.03 Filing and Content of Motion

(a) A motion for rehearing shall be filed within 30 days of the date of the board decision or order.

(b) A motion for rehearing shall:

(1) Identify each error of fact, error of reasoning, or error of law which the moving party wishes to have reconsidered;

(2) Describe how each error causes the board's decision to be unlawful, unjust or unreasonable, or illegal in respect to jurisdiction, authority or observance of the law, an abuse of discretion or arbitrary unreasonable or capricious.

(3) State concisely the factual findings, reasoning or legal conclusion proposed by the moving party; and

(4) Include any argument or memorandum of law the moving party wishes to file.

Lan 213.04 Standard for Granting Motion for Rehearing. A motion for rehearing in a case subject to appeal under RSA 541 shall be granted if it demonstrates that the board's decision is unlawful, unjust or unreasonable.

Lan 213.05 Decision on Motion for Rehearing. The board shall grant or deny a motion for rehearing, or suspend the order or decision pending further consideration within 10 days of the filing of the motion for rehearing.

PART Lan 214 RULEMAKING PUBLIC COMMENT HEARINGS

Lan 214.01 Purpose. The purpose of this part is to provide a uniform procedure for the conduct of public hearings at which comment from the general public will be solicited for evaluation and consideration by the board relative to rulemaking.

Lan 214.02 Scope.

(a) These rules shall apply to all hearings required by state law to be conducted by the board at which public comment shall be solicited, except that they shall not apply to adjudicative hearings.

(b) If any requirement set by these rules conflicts with an applicable statute such other authority shall control.

Lan 214.03 Notice.

(a) A public comment hearing concerning rulemaking shall be commenced by placing notice of the hearing in the "Rulemaking Register" so that it shall appear at least 20 days prior to the hearing date.

(b) Notice for rulemaking public comment hearings shall comply with RSA 541-A:6,

(c) Nothing in these rules shall prohibit the board from giving greater notice than the minimums set out in this part.

Lan 214.04 Media Access.

(a) Public comment hearings shall be open to the print and electronic media.

(b) The moderator shall place limits on the activities of the media to avoid disruption in the following ways:

(1) Limiting the number of media representatives when their presence is disproportionate to the number of citizens present and shall cause citizens to be excluded;

(2) Limiting the placement of television cameras to certain locations in the hearing room;
and

(3) Prohibiting interviews from being conducted within the hearing room during the hearing.

Lan 214.05 Moderator

(a) The hearing shall be presided over by a moderator who shall be the board chairperson or a designee.

(b) The moderator shall:

(1) Call the hearing to order;

(2) Cause a recording of the hearing to be made;

- (3) Place limits on the media to avoid disruption as set out in Lan 214.04(b);
- (4) Recognize those who wish to be heard and establish the order thereof;
- (5) Limit the time for each speaker, as set out in Lan 214.06(b);
- (6) Remove or have removed any person who disrupts the hearing;
- (7) Adjourn the hearing; and
- (8) Provide opportunity for the submission of written comments.

Lan 214.06 Public Participation.

(a) Any person who wishes to speak on the issue or issues which are the subject of the hearing shall place his or her name and address on a speakers' list before the last speaker on the list has finished speaking. All whose names appear on the speakers' list, as provided, shall be afforded reasonable time to speak at the hearing. Reasonable time shall be determined considering the number of people who wish to be heard, the time and the availability of the facility.

(b) The board, through the moderator, shall:

- (1) Refuse to recognize a person who refuses to give his or her full name and address;
- (2) When a group or organization wishes to comment, limit the group to no more than 3 spokespersons, provided that the members who are present shall be allowed to enter their names and addresses into the record as supporting the position by the group or organization;
- (3) Revoke recognition of a speaker who speaks or acts in an abusive or disruptive manner; or
- (4) Revoke recognition of a speaker who refuses to keep his comments relevant to the issue or issues which are the subject of the hearing.

(c) Written comments may be submitted any time from the time notice has been published until the record has been closed by the moderator, which shall not be less than 7 calendar days after the hearing.

(d) In the event that the number of speakers who wish to give oral testimony relevant to the issue or issues involved exceed that number which can be heard within a reasonable period of time subject to facility availability and length of the hearing, the hearing shall be reconvened pursuant to applicable provisions in RSA 541-A to afford such persons the opportunity to be heard. Speakers may elect to submit written testimony in lieu of additional oral hearing.

PART Lan 215 PETITION FOR RULEMAKING

Lan 215.01 Petition for Rulemaking.

(a) Any person may request the board to commence a proceeding for the purpose of adopting, amending, or repealing a rule by filing a written petition that contains:

- (1) The text of the proposed rule or a statement of the particular results intended by the petitioner to flow from the implementation of the proposed rule;
- (2) An identification of the particular rule sought to be amended or repealed;
- (3) Any data or argument the petitioner believes would be useful to the board in deciding whether to commence a rulemaking proceeding; and
- (4) Name, address, signature of petitioner and date.

Lan 215.02 Disposition of Petition.

(a) The board shall consider all petitions for rulemaking and proceed pursuant to RSA 541-A: 4. The board shall request additional data or argument from the petitioner or other interested persons to clarify the merits of the petition.

(b) The board shall grant the petition if the petition is consistent with statute and case law and will assist the board with the regulation of the profession.

PART LAN 216 DECLARATORY RULINGS

Lan 216.01 Petitions.

(a) Any person may request a declaratory ruling from the board on matters within its jurisdiction by filing an original and 5 copies of a petition pursuant to Eng 206.02 (b).

(b) A petition for declaratory ruling shall ~~also~~ set forth the following information:

- (1) The exact ruling being requested; and
- (2) The statutory and factual basis for ruling, including any supporting affidavits or memoranda of a law.

Lan 216.02 Action on Petitions

(a) The petitioner shall provide such further information or participate in such evidentiary or other proceedings as the board shall direct after reviewing the petition and any replies received.

(b) Upon review and consideration, the board shall within 90 days rule on the petition pursuant to Lan 206.02 (d).

PART LAN 217 EXPLANATION AFTER ADOPTION

Lan 217.01 Explanation after Adoption.

(a) Any person may request an explanation regarding adoption of the rules pursuant to RSA 541-A:11, VII by submitting a request to the board.

(b) The request shall be considered at the next scheduled board meeting and the board shall issue a response within 45 days after consideration.

CHAPTER Lan 300 LICENSURE REQUIREMENTS

[Back To Top](#)

PART Lan 301 APPLICATION REQUIREMENTS

Lan 301.01 Application Process.

(a) Each person wishing to become licensed as a land surveyor shall submit an application form provided by the board which contains the information specified in Lan 301.02, including the application fee specified in Lan 304.02.

(b) An application, which is not signed by the applicant, and/or is not accompanied by cash, valid credit card or a valid check for the application fee, shall not be accepted and shall be returned to the applicant.

(c) A person whose application for licensure does not meet the requirements specified in RSA 310-A:63 shall be denied.

(d) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Lan 213 on the deficiency issues identified by the board. Any such request shall be made in writing and submitted to the board within 30 days of the receipt of the notification of denial.

(e) Applications which are abandoned or about which there has been no communication by the applicant to the board for one year shall be destroyed.

Lan 301.02 Application for Licensure.

(a) Each applicant for licensure shall provide, or cause to be provided, the following on or with a form supplied by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's residence and business addresses and telephone numbers;
- (3) The applicant's date and place of birth;
- (4) The applicant's positions, dates of employment, type of services provided, title, and present address of all employers/clients referenced;
- (5) Position title and description of duties for each position including types of work performed and degree of responsibility;
- (6) Name and present address of someone familiar with each position listed in (5) above;
- (7) The applicant's educational history including:
 - a. The names of all high school and post-secondary institutions attended;

b. The dates of attendance and degrees awarded; and

c. Certified copies of transcripts from all post-secondary institutions attended;

(8) A listing of every state in which the applicant holds or has ever held registration/licensure as a land surveyor;

(9) Whether the applicant still holds the registrations/licenses listed in (8) above and if not, the reasons why;

(10) Whether the applicant has ever lost or been denied registration /licensure as a land surveyor or disciplined by another licensing board in any other state and if so, an explanation of the circumstances;

(11) Whether the applicant has ever taken the NCEES Fundamentals of Surveying examination, and if so, the location, date and grade awarded;

(12) Whether the registrations/licenses listed in (8) above as a land surveyor were issued by examination and if so, the locations, dates and grades awarded;

(13) Whether the applicant has ever been convicted of any felony or any misdemeanor, or a violation involving land surveying or the practice of land surveying and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;

(14) The names, complete addresses, occupation and business relationship with the applicant of 5 references as specified in Lan 301.03;

(15) A list of current memberships in professional or scientific societies which shall include name of organization, location, grades and dates of memberships and any additional experience information the applicant wishes to provide;

(16) The applicant's social security number required pursuant to RSA 161-B:11, VI-a; and

(17) The applicant's signature.

(b) Applicants shall pay the application fee specified in Lan 304.01.

Lan 301.03 References Required. Each applicant for licensure shall provide the board with the names and addresses of not fewer than 5 individuals, not related to the applicant, as references. At least 3 shall be licensed land surveyors having detailed knowledge of the applicant's land surveying experience. The board shall contact any individuals, companies, or institutions whose names appear in any part of the completed application, if information submitted is unclear.

Lan 301.04 Information from References.

(a) The person providing the reference shall be requested to provide the following on a form supplied by the board:

(1) The applicant's name;

(2) The reference's name and address, relationship to the applicant, status as a

land surveyor as defined by RSA 310-A:54;

(3) A brief description of the reference's knowledge of the applicant's qualifications in the practice of land surveying; and

(4) Signature of reference and date.

(b) No reference form shall be accepted except submissions made directly to the board by the person completing said form.

Lan 301.05 Additional References. The applicant shall provide the names and addresses of additional references if the original information provided by the references is unclear, incomplete, contradictory or outdated.

Lan 301.06 Certificate of Authorization Application.

(a) Application forms for land surveying corporations, partnerships and proprietorships shall be provided by the board upon request.

(b) Pursuant to RSA 310-A:65-a, the land surveying company shall submit a completed typewritten application form.

(c) The applicant shall provide the following on the application form:

(1) Complete name and address of the corporation, partnership or proprietorship;

(2) Location of New Hampshire branch offices;

(3) Name and addresses of officers or partners;

(4) Names, addresses, New Hampshire land surveyor license number, status and signature of personnel responsible for all land surveying activities and decisions;

(5) Names, addresses, New Hampshire land surveyor license number, status and signature of other personnel acting for the corporation or partnership as a licensed land surveyor; and

(6) The signature of a person or persons legally authorized to sign for the corporation, partnership or proprietorship.

(d) The completed form shall be submitted to the joint board office with the appropriate fee, check made payable to "Treasurer, State of N.H."

PART Lan 302 QUALIFICATIONS OF APPLICANTS

Lan 302.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) "Plat" means a plan drawn to scale showing all essential data pertaining to the boundaries and

subdivisions of a tract of land, as determined by survey.

(b) "Topographic survey" means a survey to determine the configuration, relief or elevation of a portion of the earth's surface, including the location of natural and/or man-made features thereon.

(c) "Monument" means a physical object, natural or artificial in nature, which marks the location of a corner or other survey point.

Lan 302.02 Candidate Requirements.

(a) Candidates for licensure shall meet the requirements established by RSA 310-A:63 before a license shall be granted. The board shall require documentation of the applicant's education and work products to help determine competency.

(b) The candidate shall have committed no misconduct as set forth in RSA 310-A:70. The board shall consider all available evidence for all candidates for licensure, prior to granting a license. Substantiated evidence of failure to adhere to the ethical standards of the profession or misconduct as set forth in RSA 310-A:70 shall, after notice and opportunity for hearing, result in denial of licensure to any candidate.

Lan 302.03 Experience Requirements.

(a) As required by RSA 310-A:63, as minimum evidence satisfactory to the board that a person is qualified to be considered for licensing as a professional land surveyor, he/she shall have a specific record of 6 years or more accumulated experience in land surveying work.

(b) Candidates enrolled as a full-time student in a college or a university pursuing a curriculum of surveying, engineering, forestry, or forestry technician shall be credited with one year of land surveying experience for each school year in which the candidate successfully completed at least one course in land surveying. Total education credits claimed towards the experience required pursuant to Lan 302.03 (a) under this section shall not exceed 4 years accumulated experience.

(c) Professional experience shall be attained while under the direct full-time supervision of a licensed land surveyor, and consist of 2 years demonstrated proficiency in the following areas:

- (1) Performing and being responsible for research;
- (2) Coordination of field surveys and field crews;
- (3) Computations;
- (4) Boundary line determinations;
- (5) Preparation of plans; and
- (6) Monumentation of surveyed positions.

(d) Experience shall be progressive on land surveying projects to indicate that the experience is of increasing quality and requiring greater responsibility.

(e) Experience shall not be obtained in violation of RSA 310-A:53.

(f) Experience gained in the armed services, to be creditable, shall be of a character equivalent to

that which would have been gained in the civilian sector doing similar work.

(g) Experience shall be gained under the supervision of a licensed land surveyor and if not, an explanation shall be made showing why the experience should be considered acceptable.

(h) Teaching experience to be creditable shall be at an advanced level in land surveying curriculum.

(i) A majority of the experience of the candidate shall be spent in work related to property conveyance and/or boundary line determination.

Lan 302.04 Additional Requirements Each applicant shall demonstrate to the board by submission of a professional portfolio/resume, documentation of compliance with RSA 310-A:63, I in the following areas:

- (a) Project management;
- (b) Research;
- (c) Field survey;
- (d) Survey computations;
- (e) Legal principles, reconciliation, boundary determination;
- (f) Survey monumentation;
- (g) Preparing boundary and topographic survey plats;
- (h) Preparing legal descriptions; and
- (i) Project correspondence.

Lan 302.05 Business Organization Certificate Requirements.

(a) Business organizations offering land surveying services in the state of New Hampshire shall obtain a certificate of authorization for a business organization. Failure to obtain or renew a valid certificate of authorization by a land surveying corporation, partnership or proprietorship shall result in disciplinary action pursuant to RSA 310-A:70.

(b) A land surveying corporation, partnership or proprietorship shall meet the requirements established pursuant to RSA 310-A:53, V. For the purpose of complying with the statute, full time is defined as being on the premises or on-call whenever New Hampshire based land surveying is being performed.

(c) No licensed land surveyor shall be designated as a supervising professional by more than one firm, except in the case of a full or part-time secondary occupation or employment by a firm which is totally owned by one or more of the licensed land surveyors whose license is used to qualify the firm for certification as a business organization.

PART Lan 303 EXAMINATION

Lan 303.01 Examination Requirements.

(a) The board shall hold written examinations semi-annually in April and October on dates set by the National Council of Examiners for Engineering and Surveying as follows:

- (1) The surveyor-in-training examination shall be held at an available facility in New Hampshire at 8:00 a.m.; and
- (2) The principles of land surveying and the New Hampshire legal aspects examination shall be held at an available facility in New Hampshire at 8:00 a.m.

(b) All applicants shall be required to pass the fundamentals of land surveying examination and the professional land surveyor's examination as prepared and graded by the National Council of Examiners for Engineering and Surveying, and the New Hampshire legal aspects examination as prepared and graded by the New Hampshire board of licensure for land surveyors. The New Hampshire legal aspects examination shall test the applicant's knowledge of New Hampshire statute and case law and the practice of land surveying in New Hampshire.

(c) Applications, supporting documentation and the fee required pursuant to Lan 304.02 shall be received in the board office by January 1st for the April examination and July 1st for the October examination.

Lan 303.02 Re-examinations.

(a) A candidate failing an examination may apply for re-examination at the expiration of 6 months, and shall pay an additional exam fee.

(b) Before subsequent re-examination shall be granted a candidate failing the examination 3 times shall submit proof of compliance with any 2 of the following:

- (1) An advanced survey course presented by a professional association or, college with a passing grade where grades are awarded or attendance verification where grades are not awarded;
- (2) A written report of study of a textbook relevant to the practice of land surveying submitted to the board which shall meet the following criteria for review and approval:

a. Acceptable textbooks shall include technical or ethical content relevant to the practice of land surveying;

b. A written report which shall include:

1. A detailed description of the particular aspect of land surveying covered by the textbook studied;
2. A detailed description of the content of the textbook as it relates to land surveying principles and procedures; and

3. A detailed description of the practical application of the technical or ethical content of the textbook studied; and

(3) A written report of one on one independent study, with supervision and verification by a licensed land surveyor, submitted to the board which includes the following for review and approval:

- a. Licensee name and license number;
- b. A certification signed by the licensee of supervision of the candidate; and
- c. A written report which shall include:
 1. A detailed description of the independent study as it relates to land surveying principles and procedures; and
 2. A detailed description of the practical application of the technical or ethical issues studied.

(c) On the job training, and/or day to day work as a land surveyor-in-training shall not be considered to meet the requirements of Lan 303.02 (b).

(d) A candidate shall submit proof of additional compliance before subsequent re-examination shall be permitted if the candidate fails to pass the examination after demonstrating compliance with Lan 303.02 (b).

PART Lan 304 APPLICATION/LICENSURE FEES

Lan 304.01 Fees.

(a) All fees shall be in the form of cash, money order, bank draft, credit card or check made payable to Treasurer, State of New Hampshire and shall be non-refundable.

Lan 304.02 Application/Licensure Fees. The fees shall be as follows:

- (a) The application fee for licensure as a land surveyor shall be \$120.00.
- (b) The fee for the professional land surveyors exam and each re-exam shall be \$200.00.
- (c) The fee for the fundamentals of land surveying exam and each re-exam shall be \$150.00.
- (d) Re-exam fees shall be the same as initial exam fee indicated in Lan 304.02(b), (c) and (g).
- (e) The fee for the application for a certificate of authorization shall be \$50.00 for a proprietorship, \$75.00 for a corporation or partnerships.
- (f) The fee for verification of licensure shall be \$25.00.
- (g) The fee for the New Hampshire legal aspects exam shall be \$125.00.

(h) The fee for temporary permit shall be \$300.00.

Lan 304.03 Replacement Fee. The fee for replacement of lost or mutilated certificate of licensure shall be \$30.00.

Lan 304.04 License Renewal Fee. The biennial license fee shall be \$150.00. If the renewal fee is not received by the date of expiration, there shall be a reinstatement fee of \$30.00 per month assessed.

Lan 304.05 Certificate of Authorization Renewal fee. The annual renewal fee for proprietorships shall be \$50.00, and \$75.00 for partnerships or corporations.

Readopt and renumber Lan 304.07, effective 9/10/03 (document #7950), as Lan 304.06 to read as follows:

Lan 304.06 Retired Status Fee. The biennial fee for retired status shall be \$10.00.

PART Lan 305 CREDENTIALS

Lan 305.01 License. An applicant for licensure as a licensed land surveyor who has met satisfactorily all the requirements of RSA 310-A and who has paid all applicable fees, shall be issued a license by the board authorizing the practice of land surveying.

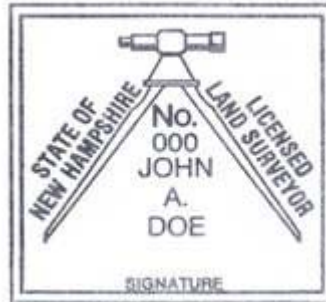
Lan 305.02 Pocket Cards. Biennially, the board shall issue a pocket card upon acceptance of the biennial renewal form and fee. The card shall certify that the land surveyor holds a license in good standing and is authorized to practice land surveying to the date of expiration as shown on the card.

Lan 305.03 Licensed Land Surveyor Seal/Stamp.

(a) Upon issuance of a license to an applicant as a licensed land surveyor, the licensee shall obtain an impression type seal or rubber stamp of the design specified by these rules. This seal shall bear the licensee's name and number as shown on the license. This seal and original signature shall be affixed on all final plans and reports of survey prepared by the licensee.

(b) The seal shall consist of 2 squares with the outer square 1-9/16 inches and the inner square 1-1/2 inches. In the space inside the inner square shall be a transit within the full name of the licensee and the license number written horizontally. On the left side of the transit the words "State of New Hampshire shall appear, and on the right side of the transit the words "Licensed Land Surveyor." At the bottom of the stamp there shall be a line for the licensee's signature pursuant to figure 306-1.

Figure 306-1 Land Surveyor Seal



(c) It shall be a violation of these rules for the licensee to stamp or seal any documents with the licensee's seal after the license has expired or been revoked, or while the license is under suspension. It shall be a violation of these rules for the licensee to stamp or seal any document not prepared by the licensee personally or under the licensee's direct supervision.

PART Lan 306 TEMPORARY PERMIT

Lan 306.01 Temporary Permit.

(a) A person who is eligible to be licensed as a land surveyor in New Hampshire may apply for a temporary permit not to exceed an aggregate of 30 days in one calendar year. Any portion of a day shall be counted as a whole day.

(b) Applicants for temporary permits shall provide, or cause to be provided, the following on a form provided by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's business addresses and telephone numbers;
- (3) State currently licensed in, license number and expiration date;
- (4) Project title, location and brief description of the specific project in the state;
- (5) Applicant's land surveyor stamp of jurisdiction applicant is licensed/ registered in;
- (6) The applicant's positions, dates of employment, title, and present address of employer;
- (7) Character of employment including types of work performed and degree of responsibility;
- (8) Name and present address of someone familiar with each position;
- (9) The applicant's educational history including the names of all high school and post-secondary institutions attended, the dates of attendance and degrees awarded and certified copies of transcripts from all post-secondary institutions attended;
- (10) A listing of every state in which the applicant holds or has ever held

registration/licensure as a land surveyor;

- (11) Whether the registration/license is now in force and if not, the reasons why it is not in force;
- (12) Whether the applicant has ever lost or been denied registration or licensure as a land surveyor or disciplined by another licensing board in any other state and if so, an explanation of the circumstances;
- (13) Whether the applicant has ever taken the NCEES Fundamentals of Land Surveying and Principals and Practice exam, and if so, the location, date and grades awarded;
- (14) Whether the registration /licensure as a land surveyor was issued by examination and if so, the location, date and grade awarded;
- (15) Whether the applicant has ever been convicted of any felony or any misdemeanor, or a violation involving land surveying or the practice of land surveying and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
- (16) The names, complete addresses, occupation and business relationship with applicant of 5 references as specified in Lan 301.03;
- (17) A list of current memberships in professional or scientific societies, including name of organization, location, grades and dates of memberships and any additional experience information the applicant wishes to provide; and
- (18) Applicant's signature.

(c) Applicants shall submit the application fee specified in Lan 304.02.

(d) Temporary permits shall be granted if the board determines that the applicant meets or exceeds the requirements of Lan 302.02, 302.03, and 303.01, not including the NH Legal Aspects examination.

CHAPTER Lan 400 CONTINUED STATUS

[Back To Top](#)

PART Lan 401 RENEWAL

Lan 401.01 License Renewal.

(a) Licenses shall expire on the last day of the biennial anniversary of the birth month of the licensee. The board shall notify each land surveyor one month prior to expiration of his/her license.

(b) Licensees who fail to renew their license after 12 months shall be required to reapply and be reexamined for licensure.

Lan 401.02 Renewal Application. Each applicant for license renewal shall provide, or cause to be provided, the following on a form supplied by the board:

- (a) The applicant's full name;
- (b) The applicant's business address and telephone number;
- (c) The applicant's home address and telephone number;
- (d) Documentation that the applicant has complied with the continuing education requirements of Lan 402;
- (e) A statement fully describing any disciplinary or legal action brought against the applicant for his/her services as a land surveyor;
- (f) A statement indicating whether the applicant has adhered to the ethical and professional standards of Lan 500;
- (g) A representation that the applicant acknowledges that the provision of false information recklessly provided in the application is a basis for disciplinary action by the board; and
- (h) The applicant's signature and date.

Lan 401.03 Denial of Renewal.

- (a) Renewal shall be denied if, after notice and an opportunity for hearing, the board finds:
 - (1) Noncompliance with the continuing education requirements of Lan 403;
 - (2) Any unethical act for which discipline shall be imposed under Lan 500;
 - (3) Reasons for which an initial application could be denied; or
 - (4) Failure to file a renewal application within 12 months of license expiration.
- (b) The board shall notify the applicant of any deficiencies in the renewal application within 60 days of acceptance for filing. Failure to remedy the deficiencies within 60 days shall result in denial of the renewal application. An application shall be considered on file with the board when all deficiencies are corrected.

Lan 401.04 Certificate of Authorization Renewal. Certification of authorization for the practice of land surveying shall expire on December 31 each year. In November each year a renewal application shall be sent to all land surveying corporations, partnerships and proprietorships to be completed and returned to the board office.

Lan 401.05 Certificate of Authorization Renewal Application.

- (a) Each applicant for renewal of the certificate of authorization renewal shall provide, or cause to be provided, the following on a form supplied by the board:
 - (1) Complete name and address of the corporation, partnership or proprietorship;
 - (2) Names and addresses of officers or partners;

(3) Names, addresses, land surveyor license numbers, status and signatures of personnel responsible for all land surveying activities and decisions;

(4) Names, addresses, land surveyor license numbers, status and signature of other personnel acting for the corporation or partnership as a licensed land surveyor; and

(5) Names of person or persons legally authorized to sign for the corporation, partnership or proprietorship.

(6) The applicant's signature and date.

(b) The completed form shall be submitted to the joint board office with the appropriate fee, check made payable to: Treasurer, State of N.H.

PART Lan 402 DISCIPLINARY MATTERS

Lan 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settle misconduct allegations, or undertake disciplinary hearings, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

Lan 402.02 Disciplinary Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:

(1) After prior notice and an opportunity to be heard; or,

(2) Pursuant to a mutually agreed upon settlement or consent decree;

(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.

(c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction, a licensee shall be subject to any disciplinary sanction authorized by RSA 310-A:70, III.

(d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:70, III, after considering the presence of aggravating or mitigating circumstances.

(e) The following shall be considered aggravating circumstances:

(1) The seriousness of the offense;

(2) Prior disciplinary record;

(3) State of mind at the time of the offense;

(4) Lack of willingness to cooperate with the board; and

(5) Potential harm to public health and safety.

(f) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) State of mind at the time of the offense;
- (3) Willingness to cooperate with the board;
- (4) Acknowledgement of his or her wrongdoing; and
- (5) Purpose of the rule or statute violated;

(g) No hearing date established in a proceeding conducted under Lan 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period pending issuance of the board's final decision.

(h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Lan 402.03 Disciplinary Fines

(a) When persons subject to the board's disciplinary authority are directed to pay fines in accordance with Lan 404.02(d), such fines shall be assessed in accordance with the factors stated in Lan 404.02(d) and the following additional considerations:

- (1) The cost of any investigation or hearing conducted by the board; and
- (2) The licensee's ability to pay a fine assessed by the board.

(b) No disciplinary fine imposed by the board shall exceed the following amounts:

- (1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the licensee, the fine assessed shall not exceed \$50.00 per day or \$1000.00 per offense, whichever is greater;
- (2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the licensee, the fine assessed shall not exceed \$75.00 per day or \$1,500 per offense, whichever is greater;
- (3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the licensee, the fine assessed shall not exceed \$100.00 per day or \$2,000 per offense, whichever is greater; and
- (4) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues, but the total amount of the fine and

the licensee's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily fines.

(c) A single course of continuing conduct shall be treated as a single violation for purposes of (b) above.

Lan 402.04 Procedures for Assessing Administrative Fines

(a) Payment of an administrative fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a notice of apparent liability describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay or compromise the fine by a date certain or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued.

(c) Nonpayment of a fine by a licensee in contravention of an order, agreement or promise to pay, shall be a separate ground for discipline by the board, and a basis for denying a subsequent license application, and a basis for judicial action seeking to collect the fine.

PART Lan 403 CONTINUING EDUCATION

Lan 403.01 Minimum Standards for Renewal of License.

(a) As required by RSA 310-A:68, each licensee shall provide evidence of continued education prior to receiving a license renewal.

(b) The minimum number of continuing education units (CEUs) as set forth in Lan 403.03 shall be 8 per biennium.

Readopt with amendments, Lan 403.02, effective 9/10/03 (document #7950) to read as follows:

Lan 403.02 Record Keeping.

(a) Maintaining records to be used to support continuing education hours claimed shall be the responsibility of the licensee.

(b) Records shall contain at least the following documentation:

(1) A log showing:

- a. The type of activity claimed;
- b. Sponsoring organization;
- c. Location;
- d. Instructor's or speaker's name and title, and

- e. Number of continuing education hours earned;
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance such as:

- a. Signed attendance receipts;
- b. Paid receipts;
- c. A copy of a listing of attendees signed by a person responsible for course or program or the course or program provider; and

(3) Written confirmation of appointment to a board, commission, committee in support of credits under 403.03 for licensees claiming continuing education credit for these activities.

(c) The licensee shall retain attendance verification records for a period of at least 4 years. Such documentation shall be made available to the board for random audit, verification purposes or both. Documentation shall support continuing education hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than 10 percent of the licensees shall be randomly selected each year by the board for compliance with Lan 403.01.

Lan 403.03 CEU Credits. Continuing education units shall be credited as follows:

(a) Verified membership and participation in a national, regional or state land surveyor society or association provided the licensee attends 50% of the meetings shall receive one CEU per year, with a maximum of 2 CEUs per biennium;

(b) Serving as an officer or committee chairman in a national, regional or state land society or association shall receive one CEU per year, with a maximum of 2 per biennium;

(c) Serving on committee in a national, regional or state land society or association shall receive 0.5 CEU per year, with a maximum of one per biennium;

(d) Serving on a land surveying board shall receive 1.5 CEUs per year, with a maximum of 3 per biennium;

(e) Serving as an officer or chairman on a land surveying board shall receive 0.5 CEUs per year, with a maximum of one per biennium;

(f) Verified membership and participation in an additional national, regional or state land surveyor society or association with a minimum of 50% attendance at meetings shall receive 0.5 CEUs per year, with a maximum of one per biennium;

(g) Serving as an officer or committee chairman in an additional national, regional or state land surveyor society or association shall receive one CEU per year, with a maximum of 2 per biennium;

(h) Activity of special service to the profession, including but not limited to teaching and publication, shall receive a maximum of 6 CEUs per biennium as follows:

(1) The active, full time teaching of land surveying at the college level, shall not qualify for continuing education credits;

(2) Teaching a workshop or seminar which is directly related to land surveying or

professional development shall be credited as one CEU per every 2 hours of actual teaching time, not to include preparation time and only applicable to first time seminars;

(3) Presentation and/or publication of a professional paper shall be credited as 3 CEU's for first time offerings.

(i) Completion, with a passing grade where grades are awarded, of educational courses related to land surveying, including board or land surveyor society approved seminars, shall receive one CEU for each 4 hours of participation and with the following submitted to the board:

- (1) Date of event;
- (2) Title;
- (3) Agenda;
- (4) Name and title of instructors;
- (5) Sponsoring organization;
- (6) Course description;
- (7) Contact hours; and
- (8) The name of a contact person.

(j) Carry over credits shall be granted for courses or seminars related to land surveying, not to exceed 4 CEU's per biennium; and

(k) Archiving land surveyor records shall receive not more than 4 CEU's per collection, with a maximum of 6 CEU's per biennium and with the following submitted to the board:

- (1) A report of the project;
- (2) The name of the individuals involved in the archiving;
- (3) The name and number of the records to be archived;
- (4) The place where the records will be stored;
- (5) The approximate number of hours worked and number of CEU's requested;
- (6) A copy of the index; and
- (7) A certification by the official agency receiving the archived record; and

(l) CEU's shall not be awarded for archiving land surveyor records for pay or profit.

Lan 403.04 Exemptions A licensee may claim exemption from the continuing education

requirements for any of the following reasons:

(a) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year; and

(b) Licensees experiencing disability, illness, or other extenuating circumstances which would prevent the licensee from completing professional development hours required, shall apply in writing to the board for specific exemption. Relevant supporting documentation shall be furnished to the board.

Lan 403.05 Waiver of Continuing Education Deadline. A licensee may request waiver of continuing education deadlines provided that a petition to that effect is filed at least 30 days before the expiration of the biennial continuing education period in question, or that late filing is justified by a showing of good cause and not merely neglect. Good cause shall include a serious accident, illness or other circumstances beyond the control of the licensee which actually prevents the licensee from satisfying the continuing education requirements. No waiver petition shall be granted which does not propose a specific timetable for completing specific courses, which will meet the petitioner's continuing education unit deficiency.

Lan 403.06 Noncompliance. Failure to complete continuing education requirements in a timely fashion, or failure to submit documentation which establishes that said requirements were so completed, shall after notice and opportunity for hearing, result in disciplinary action unless a waiver petition has been timely filed and duly granted by the board.

CHAPTER Lan 500 ETHICAL STANDARDS

[Back To Top](#)

PART Lan 501 CODE OF ETHICS

Lan 501.01 Purpose and Scope.

(a) To establish and maintain a high standard of integrity, skills and practice in the profession of land surveying, the following rules of professional conduct are adopted in accordance with RSA 310-A, and shall be binding upon every person holding a land surveyor's license.

Lan 501.02 Obligation to Obey.

(a) The ethical standards set forth in this part shall bind all licensees, and violation of any such standard shall result in disciplinary sanction.

(b) All persons licensed under RSA 310-A shall be considered to have knowledge of the existence of these rules of professional conduct and to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of land surveying is a privilege, as opposed to a right, and the licensed land surveyor shall be required to be forthright and candid in his or her statements or written response to the board or its representatives on matters pertaining to professional conduct.

Lan 501.03 Standards of Conduct.

(a) The licensee shall:

(1) Undertake only work for which the licensee is qualified by education and experience;
and

(2) When serving as an expert or technical witness on behalf of a party before any court, commission, or other tribunal, shall in direct testimony only express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the testimony.

(b) The licensee shall clearly identify himself or herself, his or her employer, and in whose interest he or she is working and:

(1) Disclose fully to the client any financial or purchase interest the licensee or the licensee's employer has in the land on which he or she is working;

(2) Conscientiously avoid conflicts of interest or even the appearance of such conflicts;
and

(3) If, despite precaution, a conflict of interest is discovered, he or she shall:

(a) Promptly and fully disclose the conflict of interest to the client/employer; and

(b) Act immediately to resolve the conflict.

(c) The licensee shall not knowingly issue a false statement or false information.

(d) The licensee shall advertise only in a truthful manner, stating the services the licensee is qualified and prepared to perform.

(e) The licensee shall not falsify or permit misrepresentation of the licensee's or the licensee's associates', academic or professional qualifications.

(f) With respect to misrepresentation, the licensee shall not:

(1) Misrepresent or exaggerate the licensee's degree of responsibility in, or for the subject matter of prior assignments; or

(2) Misrepresent pertinent facts in brochures or other presentations incident to the solicitation of employment concerning employers, employees, associates, joint ventures, or the licensee or their past accomplishments with the intent and purpose of enhancing the licensee's qualifications and work.

(g) The licensee shall issue no statements, criticisms, or arguments on land surveying matters which are inspired or paid for by an interested party, or parties, unless such comments are prefaced by explicit identification of the licensee and by disclosing the identities of the party or parties on whose behalf the licensee is speaking.

(h) The licensee shall not attempt to injure by false statement or dishonest action either directly or indirectly, the professional reputation, prospects, or business of another.

(i) The licensee shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include only relevant and pertinent information in such reports, statements, or

testimony.

(j) The licensee shall:

(1) Offer a written contract to the client; and

(2) When utilizing a written contract specify the following:

a. The land upon which the work will be performed;

b. The nature and scope of the work to be performed;

c. The estimated time period within which the work is to be performed; and

d. A cost estimate or fee schedule.

(3) Not accept compensation or expenses from more than one employer, client for the same service, unless the parties involved are informed and consent;

(4) Not accept work on a contingent fee basis;

(5) Not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the licensee's client in connection with the work for which the licensee is responsible;

(6) Recognize that the practice of land surveying by a person, firm, co-partnership, corporation or joint stock association construed to practice or offer to practice land surveying shall be under the direct charge and supervision of a land surveyor licensed by the State of New Hampshire; and

(7) Advise the client of the level of precision most appropriate to the purposes of the survey.

(k) The licensee shall:

(1) At all times in the performance of services, abide by applicable federal, state and municipal laws and regulations;

(2) Unless the circumstances are fully disclosed to all parties, not solicit or accept a land surveying contract from a government body on which a principal or officer of the licensee's organization serves as a member;

(3) Not contract for the completion of another licensee's contracted work unless reasonable effort has been made to consult with the prior licensee;

(4) Cooperate with other licensed land surveyors with an interchange of information, in particular, where discrepancies are discovered, where such interchange does not include confidential information; and

(5) Not perform any acts, allow omissions or make any assertions or representations which are fraudulent deceitful, or misleading, or which in any manner tend to create misleading impression; and

(l) The licensee shall:

(1) Cooperate with investigations and requests for information from the board and the board's representatives;

(2) Present information to the board of licensure for land surveyors for action, if the licensee has evidence of unprofessional conduct of another land surveyor provided that the licensee believes that such misconduct is occurring;

(3) Submit only truthful and correct information in any application or other document filed with or statement made to the board;

(4) Inform the board of a principal business/home address to which all official board communications should be directed, and also of all addresses where he/she is practicing land surveying or has a branch office;

(5) Report to the board the establishment of a business/home address or the change or abandonment of a business/home address within 30 days; and

(6) Not engage in or participate in professional or business practices of a fraudulent or dishonest nature.

(m) The licensee shall not:

(1) Sell nor permit the use of his/her seal to anyone, recognizing that the seal indicates the licensee's personal responsibility for the work bearing the licensee's seal;

(2) Affix a signature and/or seal to any map or document dealing with subject matter in which the licensee lacks competence by virtue of education and/or experience; and

(3) Affix the licensee's signature and/or seal to any plans or document not prepared by the licensee or by an employee, or a surveyor-in-training under the licensee's direct supervisory control, except historical documents pursuant to RSA 678:18, II.

(n) The licensee shall with respect to supervision of an employee or surveyor-in-training:

(1) Have direct involvement and thorough supervision of the entire survey process; and

(2) Supervise the work being performed during each phase of work performed from project conception through final project conclusion.

PART Lan 502 RESEARCH STANDARDS

Lan 502.01 Research Standards.

(a) A land surveyor assuming the responsibility of performing a land survey shall also assume responsibility for conducting and retaining research of adequate thoroughness to support the determination of the intended boundaries of the parcel surveyed.

(b) Minimum research standards for the surveying of real property shall be as follows:

- (1) The subject tract shall be researched to ensure the correctness of the record evidence;
- (2) All abutting tracts shall be researched to ensure the correctness of the record evidence;
- (3) Record evidence of tracts other than the subject tract and abutting tracts shall be examined, or additional information sought, which might relate to the property lines and corners being surveyed whenever necessary;
- (4) In the absence of sufficient record evidence substantiating the property lines and corners being surveyed, attempts shall be made to obtain evidence from unrecorded sources;
- (5) When the property lines and/or corners being surveyed are defined by a specific elevation or coordinates, the description of monuments referencing the vertical and/or horizontal datums upon which the survey is based shall be obtained;
- (6) Preliminary conclusions as to the completeness of data shall be formulated and any inconsistencies in the record information shall be reconciled;
- (7) The consistency of the data shall be tested by plotting and compiling the appropriate record information; and
- (8) A field investigation shall accompany the record research and evaluation, if appropriate.

PART Lan 503 TECHNICAL STANDARDS

Lan 503.01 Terminology. Terminology used in these standards shall be defined herein or when not defined herein shall refer to the 1978 (rev.) edition of "Definitions of Surveying and Associated Terms" as prepared by a joint committee of the American Congress on Surveying and Mapping and the American Society of Civil Engineers.

Lan 503.02 Definitions. The following definitions shall apply:

- (a) "As-built survey" means a survey performed to detail the horizontal and vertical positions of the physical improvements of all or part of a tract, parcel or lot of land.
- (b) "Construction survey" means a survey to position on the ground physical structures and/or improvements that have been designed for a particular tract of land.
- (c) "Dilution-of-precision value" (DOP) means a measure of the accuracy of the readings based on the dispersion of the visible GPS satellites.
- (d) "Elevation mask" means the cut-off angle for tracking satellites, set at 15 degrees above the GPS receiver's horizon.
- (e) "Farmland and woodlot surveys (F)" means surveys of property of unimproved or improved lands used as farmland, woodlots, or wetlands, surveys of land which lie in remote, sparsely populated areas with difficult terrain, or both.
- (f) "Field notes" means the permanent detailed record made by a surveyor as he is in the process of establishing a boundary.

(g) "Geoid model" means the hypothetical surface if water reacted to gravity alone, over the entire surface, used as a base datum for determining heights.

(h) "Global positioning system (GPS) survey" means any survey in which the location of property features, for whatever purpose, are primarily measured using observations of radio signals transmitted from satellites in a GPS. This survey includes all equipment and procedures from the planning stage to the reporting of final results.

(i) "Land title survey" means a survey that conforms to the requirements of a particular land title insuring agency or "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", adopted 2005 edition American Congress on Surveying and Mapping and the American Land Title Association.

(j) "Least squares" means a mathematical method of the adjustment of observation, based on the theory of probability.

(k) "Line of possession" means a line defined by physical evidence of occupation.

(l) "Linear misclosure" means the straight-line bearing and distance error by which a survey traverse loop fails to close.

(m) "Loop closure" means the comparison to the elements of a polygon of the positional measurements of a survey traverse whose successive instrument set-ups form a loop.

(n) "Monument" means a physical object, natural or artificial in nature, which marks the location of a corner or other survey point.

(o) "Observation rate" means the stipulated short period of time between each of the downloads to storage from a GPS receiver's microprocessor, also known as the sampling rate or data interval.

(p) "Plat" means a plan drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey.

(q) "Root collar" means that portion of a tree which is above ground and below the elevation at which the tree becomes merchantable or cylindrical.

(r) "Rural surveys" or (R) means surveys of property that lie outside urban and suburban areas.

(s) "Sideshot" means a reading or measurement from a survey station to locate a point which is not intended to be used as a base for the extension of the survey.

(t) "Standard property survey" means a survey of boundary, easements, rights of way and/or leases performed with research, field survey and analysis of all factors affecting and influencing the location of the boundaries, easements, rights-of-way, and leases of record, within or immediately surrounding the tract, parcel or lot.

(u) "Statistical accuracy data" means results of the comparison of differences between the observed positions and those derived as elements of a network of polygons, using statistical analysis.

(v) "Survey classification" means a specific survey type based upon the location and/or use of the site to be surveyed.

(w) "Topographic survey" means a survey to determine the configuration, relief or elevation of a portion of the earth's surface, including the location of natural and/or man-made features thereon.

(x) "Urban, suburban, industrial, commercial, condominium and multi-unit residential surveys (U)" means surveys of property lying within or adjoining a developed area of a city or town.

Lan 503.03 Survey Requirements.

(a) When the parcel is a condominium, the survey shall meet the requirements of RSA 356-B:20.

(b) Construction surveys shall include but shall not be limited to the layout of structures and physical improvements.

(c) Although not considered surveys of real property, construction surveys shall adhere to the minimum technical standards as outlined in Lan 503.06, Specifications.

(d) For a survey to fall under the "farm or woodlot survey" classification as outlined in Table 500.1, Survey Classification, Precision and Accuracy, the property shall be 10 acres or greater in area, shall be bounded by physical evidence, and shall have limited potential for development at the time of the survey.

(e) A standard property survey plat shall show all data required for a complete and accurate description of the land which it delineates.

(f) Standard property survey specifications, as outlined in Lan 503.06, Specifications shall apply to locate, monument, plat, determine the area or volumes, and prepare a land parcel description of a tract, parcel or lot of real property or easement. Standard property surveys shall include the location of lines of occupation and any possible encroachments.

(g) Standard property surveys shall include but are not limited to the following:

- (1) Lot survey;
- (2) Subdivision of land;
- (3) Lot line revision;
- (4) Lot line elimination;
- (5) Line survey;
- (6) Boundary line agreement;
- (7) Physical evidence survey;
- (8) Easement survey;
- (9) Monumentation survey; and
- (10) Establishment or re-establishment of political boundaries, or both.

(h) Topographic survey specifications, as outlined in Lan 503.06, Specifications shall apply when gathering relevant information that will be represented on a topographic or existing conditions plan.

Lan 503.04 Classifications of Real Property Surveys. Every survey of real property in this state shall fall under one of 3 classifications. These classifications and minimum requirements shall be as specified in Table 500.1, Survey Classification Precision and Accuracy.

Table 500.1 Survey Classification, Precision and Accuracy

SURVEY CLASSIFICATION	U for Urban- Suburban Industrial	R for - Rural-	F-for Farmland Woodlots
	Commercial		
	Condominium		
	Multi-unit residential		
PRECISION MEASUREMENTS (conventional closed traverse)			
Unadjusted Linear Misclosure	1:10,000		1:5,000 1:300
Min. Scale Graduation of Instrument	20 sec.		30 sec. 1 deg.
Distance Measurement	EDM/Steel tape		EDM/Steel tape Steel tape/ stadia
Elev. Used to Determine Property Lines	0.2' +/-		0.5' +/- n/a

ACCURACY MEASUREMENTS (GPS survey or survey adjusted using least squares)

Minimum positional tolerances of land property corners computed least squares adjustment at the 95% confidence level as set forth in appendix b of the Geometric Geodetic Accuracy Standards and Specifications For Using GPS Relative Positioning Techniques, Federal Geodetic Control Committee.

	U (urban)	R (rural)	F (farmland)
Local Accuracy of directly occupied corners	0.05 ft (1.7cm) + 1:10000	0.25 ft (8cm) +1:5000	1.6 ft (50cm) +1:300

Local Accuracy of
control supporting

the survey 0.03 ft (1cm) + 1:10000 0.13 ft (4cm) + 1:5000 0.66 ft (20cm) + 1:300

Lan 503.05 Specifications. The minimum specifications per Lan 503.06 shall be adhered to for all surveys of property within this state.

Lan 503.06 Applicable Specifications. The following minimum applicable specifications shall apply to all survey classifications unless listed below:

(a) All survey field work including GPS work shall be performed with methods of practice and equipment capable of attaining the tolerances as specified in Table 500.1, Survey Classification Precision and Accuracy providing for:

- (1) Elimination and reduction of known systematic errors and mistakes;
- (2) Sufficient redundancy to clearly state that the accuracy requirements have been achieved;
- (3) Analysis of field procedures and data processing to achieve the accuracy and precisions; and
- (4) Documentation verifying compliance with these standards.

(b) All survey instruments shall be kept in good repair, close adjustment, and operated according to manufacturers' specifications.

(c) All steel tapes and electronic distance measuring devices shall be routinely compared to a distance traceable to the National Bureau of Standards. A record of these comparisons shall be maintained by the surveyor.

(d) All pertinent information, measurements, and observations made in the field during the course of the survey shall be recorded as field notes in (e) below. Computer printouts of raw data downloaded from an electronic data collection device shall be considered a form of field notes.

(e) All field notes shall indicate:

- (1) Location;
- (2) Street names;
- (3) Client;
- (4) Instruments;
- (5) Date;
- (6) Field crew;
- (7) Weather conditions; and

(8) Purpose of field work.

(f) Searches for evidence believed to be ferrous or magnetic in nature shall be conducted with a magnetic or metal detector when evidence is possibly buried or not visible.

(g) Survey traverses shall be based on a bearing system determined from astronomic observations, GPS observations, or from geodetic monuments incorporated into the traverse. If neither method is practical the survey shall be based on a magnetic bearing observed with a compass having a scale permitting interpolations to one-half of a degree. An alternate method shall be orientation of the survey to an existing survey. Except for farmland surveys, angle measurements of the field traverse shall be repeated 2 or more times and each set of angular measurements shall be made with the telescope both in the direct and inverted by 180 degree position.

(h) Sideshots from the traverse to monumentation or other physical features controlling the position of a property line shall be minimized. Except for farmland surveys, angle measurements to those points shall be repeated 2 or more times. Distance measurements to those points shall not be greater than 100 feet when measured with a steel tape. Precision of measurements from the traverse points to sideshot points shall be a minimum of half the horizontal scale reading with distance measured to the hundredth of a foot. The exceptions to this shall be stone walls and fence posts which may be measured to the nearest tenth of a foot, and centerline and edges of water bodies which may be measured to the nearest foot.

(i) When feasible, vertical data shall be referenced to the North American Vertical Datum of 1988, or to the National Geodetic Vertical Datum of 1929.

(j) When vertical data is required, a minimum of 2 benchmarks shall be established on the subject tract. Benchmarks set as nails in trees shall be placed at the root collar of the tree and not the usable portion of the tree.

(k) The establishment of benchmarks shall be done with care and sufficient redundancy to ensure that the elevations are accurate and reproducible. Whenever possible and practical, a minimum of 2 known benchmarks shall be included in all level runs. All level runs shall either begin and close on separate known marks, or shall be a closed loop beginning and ending on the same known mark. Benchmarks shall be established by differential leveling using an instrument equipped with an automatic compensator or spirit level vials. The misclosure tolerance between benchmarks shall be $0.05'$ square root of M where M is the one-way distance in miles. The misclosure tolerance of a closed loop shall be $0.04'$ square root of M where M is the distance of the loop in miles.

(l) If a benchmark set or maintained by a government agency is utilized, and if that government agency seeks input from the public sector regarding the status of such monument, then a report, following the agency's guidelines, on the condition of the mark shall be submitted to the agency.

(m) Compass and tape methods may be used provided that the property lines shall be predominantly bounded by physical evidence, and shall possess a minimum number of angle points. Compass surveys shall be performed with compasses having a scale permitting interpolations to one-quarter of a degree. When compass surveys are employed, traverse lines shall be observed both as a foresight and a backsight. Taping shall be accomplished by use of a standard steel tape and corrected for slope.

(n) All topographic surveys shall be referenced to a vertical control system comprised of closed level loops.

(o) Grid lines for detailed cross-section work shall be closed and tied to the control system.

(p) Secondary traverses or level loops shall begin and end at points on the control system.

(q) When aerial photogrammetry is to be used to compile a topographic map the horizontal and vertical photo control points shall be incorporated into the horizontal and vertical control system.

(r) Measurements to physical features or improvements shall be taken with a precision compatible with the detail being located as follows:

(1) Linear measurements shall be taken to the nearest foot when locating feature such as:

- a. Streams;
- b. Ditches;
- c. Wetlands;
- d. Poles;
- e. Pavement;
- f. Curbing;
- g. Ledge outcrops;
- h. Boulders;
- i. Manholes;
- j. Catch basins;
- k. Culverts; and
- l. Signs;

(2) Horizontal and vertical angles to the features shall be taken to the nearest minute;

(3) Elevations shall be taken to the nearest hundredth of a foot on building floors, manhole curbing, pipe inverts, pavement; and

(4) Natural ground elevations and water levels shall be taken to the nearest tenth of a foot.

(s) Measurements shall be taken to a precision compatible with the construction tolerances for the project.

(t) Construction layout monuments shall be of a type and character and set in a manner so as to provide a degree of permanency consistent with the terrain, physical features and intended use. Sufficient monuments and offset information shall be provided to enable the user to check the accuracy of any points or lines established there from. Any stakes that show offsets and/or cut and fill data shall also show

sufficient information to identify the horizontal position of the points to which they refer.

(u) All buildings, structures, or foundation layouts shall have the perimeter closed, or in the case of a rectangle, the diagonals measured.

(v) Accuracies and classification of GPS surveys shall be as specified in Lan 503.04 Table 500.1, Survey Classification Precision and Accuracy.

Lan 503.07 Metric System. The metric system of measurement may be used to measure or report any dimension, area or volume required by a survey. When the metric system is used, the technical standards established herein shall be translated to metric equivalents.

Lan 503.08 Monumentation Of Boundary and Subdivision Surveys.

(a) Monuments shall be set so that upon completion of the boundary and subdivision survey, each corner of the property will be physically monumented.

(b) When it is impossible or impractical to set a boundary monument on a corner, a reference monument shall be set, similar in character to a boundary monument, on the line of the survey or a prolongation of such. When an offset monument is set, it shall be clearly identified as such on the plat.

(c) Every boundary or reference monument set shall be composed of a durable material and set in a fashion to assure permanence. A permanent monument shall be any mark or marker which, if left undisturbed, will remain recoverable and identifiable, in place for a period of at least 25 years.

(d) Monuments shall include but not be limited to the following:

(1) Iron rod or iron pipe, 1/2" diameter minimum, marked with the license number or name of the surveyor;

(2) Bound made of concrete or stone, minimum 4" x 4";

(3) Drill holes or other identifiable marks in stone or concrete; or

(4) Brass or aluminum disc, 2" diameter, at a minimum.

(e) Adequate monuments shall not be disturbed. Inadequate monuments may be replaced with a well set and substantial monument. Double monuments shall be avoided whenever possible. The monument being replaced shall be noted in the field notes and on the plat, if one is prepared. When an inadequate monument is remonumented, the adjacent land owner(s) shall be notified.

Lan 503.09 Plats.

(a) For results of a survey where a plat is prepared, the plat shall be drawn on reproducible medium. The plat shall identify the tract or parcel and contain enough information so that the boundaries of the parcel of interest can be located with certainty in the future by a competent land surveyor.

(b) As appropriate to the purpose of the survey, a survey plat shall contain but not be limited to containing the following:

(1) The municipality, date, scale, bar scale, and description or purpose of the

plan;

(2) The name and address of the company and or individual which prepared the plat, or both, and the name and seal of the licensed land surveyor;

(3) Owner of record with mailing address, assessor's parcel number, and title reference;

(4) Meridian arrow and origin with the date of observation or reference plat;

(5) Vicinity map;

(6) Bearing and horizontal distances on all pertinent property lines;

(7) Curved boundary lines showing radius, delta, and length;

(8) On non-tangent curves, a course and distance of the long chord shall be shown;

(9) Irregular boundaries without curves, such as rivers or streams, or with curves which have no definable geometry, shall have sufficient information to mathematically close the plat;

(10) Tie lines, when used, shall be noted that they are not property lines;

(11) All monuments set or found, including monuments with tie lines on which establishment of the corners of the surveyed premises are dependent;

(12) Monuments shall be described as to material, and the relation of the monument to the surveyed lines and/or corner;

(13) Lines of possession where they affect the surveyed boundaries;

(14) Abutters with title reference and assessor's parcel number;

(15) Easement and right-of-way limits, references to easements and encumbrances of record, whether private or public, and evidence of any unwritten interests observed; to the extent that they have a physical effect on the land;

(16) Revision dates and purposes;

(17) Legend, unless symbols are clearly identified within the plat;

(18) Man-made structures pertinent to the purpose of the surveyed project;

(19) Plats and data relevant to the survey;

(20) Any record evidence of a cemetery or burial ground shall be duly noted on the plat unless such cemetery or burial ground is located on the plat;

(21) The area of the subject tract or parcel, expressed in acres, unless the area is less than 2 acres, in which case the area may be expressed in square feet;

(22) If a boundary, easement, or right-of-way shown on the tract is an elevation, the referenced datum shall be noted on the plat along with at least one permanent benchmark with reference elevation;

(23) All benchmarks shall be adequately described on topographic surveys or boundary surveys when property lines are defined by an elevation to enable it to be recovered at a later date;

(24) A certification by the land surveyor stating the method and classification of the survey or the precision and accuracy attained; and

(25) If coordinates of positions are shown the following shall also be included:

- a. The units of reported coordinates;
- b. The horizontal datum and coordinate system of the horizontal coordinates;
- c. Vertical datum of the vertical coordinates; and
- d. Basis of bearings.

Lan 503.10 GPS Documentation. The following information shall be retained in the plat, plan, report or documentation:

- (a) Scope of the survey;
- (b) Location of the survey;
- (c) Sketch of GPS positioned points;
- (d) Indication of whether type of GPS field procedure is static or kinematic;
- (e) Data collection parameters, including:
 - (1) Date;
 - (2) Beginning and end times of occupation of the traverse station;
 - (3) Elevation mask;
 - (4) Observation rate;
 - (5) The number of or identification of simultaneous satellites observed; and
 - (6) Antenna-height measurements.
- (f) Processing results including:
 - (1) Record of rejected data;
 - (2) Loop closures;

(3) Statistical analyses of vectors; and

(4) Coordinates of points with statistical accuracy data;

(g) Identification of Geoid model and horizontal and vertical datums;

(h) Accounting of any difficulties encountered during field observations and office procedures with resolution;

(i) Identification of receiver hardware and observation processing software used including version numbers;

(j) Raw observational data, including dilution of precision values; and

(k) Name, description and order of existing monuments used as control.

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