

The Vermont Statutes Online

Title 26: Professions and Occupations

Chapter 45: LAND SURVEYORS

§ 2501. Policy and purpose

In order to safeguard property and the public welfare, the practice of land surveying in this state is declared to be subject to regulation in the public interest in accordance with the terms of this chapter. (Added 1967, No. 364 (Adj. Sess.), § 1, eff. Jan. 1, 1969; amended 1981, No. 79, §§ 1, 2, eff. May 5, 1981; 1985, No. 245 (Adj. Sess.), § 1.)

§ 2502. Definitions

For the purpose of this chapter:

- (1) "Board" means the board of land surveyors established under this chapter.
- (2) "Disciplinary action" includes any action taken against a licensee for unprofessional conduct.
- (3) "Licensed land surveyor" means a person licensed by the board who is:
 - (A) a professional specialist in measuring land;
 - (B) educated in the principles of mathematics, the related physical and applied sciences, and real property law; and
 - (C) engaged in the practice of land surveying as defined in this section.
- (4) "Practice of land surveying" means providing, or offering to provide, professional services, including record research, reconnaissance, measurements, gathering parol evidence, analysis of evidence, mapping, planning, expert testimony, and consultation related to any of the following:
 - (A) locating, relocating, establishing, reestablishing, or retracing property lines or boundaries, or demarcating other legal rights or interests in any tract of land, road, right-of-way, or easement;
 - (B) determining, by the use of principles of surveying, the position for any boundary monument or reference point, or replacing any monument or reference point;
 - (C) making any survey for the division, subdivision, or consolidation of any tract of land;
 - (D) creating, preparing, or modifying graphic documents such as maps, plats, and plans, or

electronic data used or referenced in instruments of conveyance of rights in real property, or which define rights in real property, or are used to define such rights;

(E) calculating dimensions and areas, which may be used to define rights in real property.

(5) "Monument" excludes paint marks, ribbons, signs, and any nonpermanent structures supporting ribbons or signs.

(6) "Responsible charge" means direct control and personal supervision.

(7) "Supervision" of an applicant means regular personal review of the applicant's land surveying work. (Added 1967, No. 364 (Adj. Sess.), § 2, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1; 2003, No. 60, § 13.)

§ 2503. Prohibition; exceptions

(a) A person who is not licensed by the board shall not:

(1) use the title "licensed land surveyor" or any substantially equivalent title;

(2) represent himself or herself as licensed by this state or able to perform land surveying;
or

(3) practice land surveying or act in responsible charge of another person who practices land surveying.

(b) Subdivision (a)(3) of this section does not prohibit preparation of assessment maps, current use maps for use valuation appraisal, or similar maps, which are clearly not intended to indicate the legally authoritative location or demarcation of property boundaries or extent where legal rights or interests in any tract of land are or may be affected, or licensed or qualified members of other professions or trades from performing duties incidental to those occupations. (Added 1967, No. 364 (Adj. Sess.), § 3, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1; 2003, No. 60, § 14.)

§ 2504. Penalties and enforcement

A person who violates subsection 2503(a) of this chapter shall be subject to the penalties provided in 3 V.S.A. § 127(c). (Added 1967, No. 364 (Adj. Sess.), § 21, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1; 2007, No. 29, § 36; 2007, No. 163 (Adj. Sess.), § 28.)

§ 2541. Creation and organization of board

(a) A state board of land surveyors is created to regulate the licensure of land surveyors. It shall be called "Board of Land Surveyors."

(b) The board shall consist of five licensed land surveyors and two members of the public who have no financial interest in the activities regulated under this chapter, other than as consumers or possible consumers of its services. Public members shall have no financial interest personally or through a spouse, parent, child, brother, or sister. "Financial interest"

means dealing in goods or services which are uniquely related to activities regulated under this chapter, or investing anything of value in a business licensed under this chapter.

(c) Board members shall be appointed by the governor pursuant to sections 129b and 2004 of Title 3.

(d) One member shall have been licensed under this chapter after written examination taken within the five years immediately preceding the date of appointment.

(e)-(g) [Deleted.] (Added 1967, No. 364 (Adj. Sess.), § 4, eff. Jan. 1, 1969; amended 1969, No. 11, eff. Feb. 26, 1969; 1985, No. 245 (Adj. Sess.), § 1; 2005, No. 27, § 72.)

2542. Repealed. 1985, No. 245 (Adj. Sess.), § 1.

§ 2543. Board meetings

(a) The board shall meet, at least two times each year, at the call of the chairperson or upon the request of any other two members.

(b) Meetings shall be warned and conducted in accordance with chapter 5 of Title 1.

(c) A majority of the members of the board shall be a quorum for transacting business, and all action shall be taken upon a majority vote of the members present and voting.

(d) The provisions of the Vermont Administrative Procedure Act, 3 V.S.A. chapter 25, relating to contested cases, shall apply to proceedings under this chapter.

(e) Fees for the service of process and attendance before the board shall be the same as the fees paid sheriffs and witnesses in superior court. (Added 1967, No. 364 (Adj. Sess.), § 6, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1; 2005, No. 27, § 73.)

§ 2544. Powers and duties of the board

(a) The board shall:

(1) adopt rules according to the provisions of 3 V.S.A. chapter 25, which are necessary for the performance of its duties;

(2) adopt an official seal;

(3) provide general information to applicants for admission to licensure as land surveyors;

(4) explain appeal procedures to licensees and applicants and complaint procedures to the public;

(5) adopt rules which establish the activities that must be completed by an applicant in order to fulfill the experience requirements established by this chapter. The rules shall require that the applicant's experience be under the supervision of a licensed land surveyor who has been licensed for three years or more, and shall not require that the applicant be in charge of the surveying. Such activities shall be designed to ensure that all applicants acquire

experience in critical areas of land surveying, but shall not limit admission to licensure unless there is good reason to believe that licensure of a particular applicant would be inconsistent with safeguarding property and the public welfare;

(6) inform prospective applicants that they may notify the board if, after reasonable effort, they have been unable to obtain supervision by a licensee for activities prerequisite to licensure. When the board receives such a notice, it may interview the prospective applicant, and thereafter shall take whatever action it considers appropriate;

(7) if applications for licensure by examination are pending, offer examinations at least twice each year and pass upon the qualifications of applicants;

(8) use the administrative and legal services provided by the office of professional regulation under 3 V.S.A. chapter 5;

(9) adopt rules establishing minimum standards of practice. Standards adopted by the board shall not exceed the minimum required to protect the public and shall be responsive to a demonstrated need to impose such standards. Rules adopted under this section shall relate to land surveying in the following areas:

(A) Researching deeds and other records.

(B) Measurements.

(C) Evaluation and verification of evidence pertaining to surveying.

(D) Monumentation.

(E) Survey reports and documents.

(b) The board may conduct disciplinary proceedings as provided for in chapter 5 of Title 3.

(c)-(f) [Deleted.] (Added 1967, No. 364 (Adj. Sess.), § 7, eff. Jan. 1, 1969; 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974; amended 1983, No. 230 (Adj. Sess.), § 17(5); 1985, No. 245 (Adj. Sess.), § 1; 1989, No. 250 (Adj. Sess.), § 4(d); 1991, No. 167 (Adj. Sess.), § 38a; 2005, No. 148 (Adj. Sess.), § 22.)

§ 2545 Repealed. 1997, No. 145 (Adj. Sess.), § 31.

§ 2546-2549. Repealed. 1985, No. 245 (Adj. Sess.), § 1.

§ 2591. Applications

Applications for licensure shall be on forms provided by the board. Each application shall contain a statement under oath showing the applicant's education, land surveying experience and other pertinent information and shall be accompanied by the required fee. (Added 1967, No. 364 (Adj. Sess.), § 13, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1.)

§ 2592. Qualifications

(a) Any person shall be eligible for licensure as a land surveyor if the person qualifies under one of the following provisions:

(1) Comity or endorsement. A person holding a certificate of registration or a license to engage in the practice of land surveying issued on the basis of an examination, satisfactory to the board, by proper authority of a state, territory or possession of the United States, the District of Columbia, or another country, based on requirements and qualifications shown by the application to be equal to or greater than the requirements of this chapter, in the opinion of the board, may be examined relative to land surveying matters peculiar to Vermont and granted a license at the direction of the board.

(2) Graduation and examination. An applicant who has graduated from a surveying curriculum of four years or more approved by the Accreditation Board for Engineering and Technology (ABET), followed by at least 24 months of experience in land surveying, under the supervision of a land surveyor, and who has passed an examination satisfactory to the board, may be granted a license.

(3) Education and examination. An applicant, who has attended an accredited college or school of higher education, approved by the board, who has satisfactorily completed 30 credit hours of formal instruction in land surveying, followed by at least 36 months of experience in land surveying, under the supervision of a land surveyor, and who has passed an examination satisfactory to the board, may be granted a license.

(4) Experience and examination. An applicant who has completed four or more years of experience in land surveying, under the supervision of a land surveyor, and who has passed an examination which is satisfactory to the board, may be granted a license.

(b) The fundamentals of land surveying examination may be taken with board approval after an applicant for licensure submits the initial application.

(c) The principles and practice of land surveying examination may be taken before the applicant completes the educational and experience requirements established by this chapter, provided that the applicant has completed all but the final year of required practical experience. Notification of the results of such examinations shall be mailed to each candidate within 30 days of the day the results of any national examination are received by the board. A candidate failing to pass the examinations may apply for reexamination under the rules of the board and may sit for reexamination as many times as the candidate chooses to do so. If an applicant does not pass the entire examination, the applicant need not take again any portion of an examination which the applicant previously passed.

(d)(1) A person who has undertaken work in the office of a land surveyor shall notify the board:

(A) within six months of commencing work;

(B) within 30 days of making any change in the person supervising that work; and

(C) upon 30 days of completing the experience requirements for licensure.

(e) [Deleted.]

(f) License examinations may consist of a national surveying examination selected by the board plus a Vermont portion. The Vermont portion shall be limited to those subjects and skills necessary to perform land surveying.

(g) The board may conduct a personal interview of an applicant. A personal interview shall be for the limited purposes of assisting the applicant to obtain licensure and to verify the applicant's educational qualifications and that the applicant completed the experience requirements for licensure. A personal interview shall not serve directly or indirectly as an oral examination of the applicant's substantive knowledge of surveying. An interview conducted under this section shall be taped and, at the request of the applicant, shall be transcribed. An applicant who is denied licensure shall be informed in writing of his or her right to have the interview transcribed free of charge. At least one of the public members of the board shall be present at any personal interview.

(h) When the board intends to deny an application for license, the director of the office of professional regulation shall send the applicant written notice of the decision by certified mail, return receipt requested. The notice shall include a specific statement of the reasons for the action. Within 30 days of the date that an applicant receives such notice, the applicant may file a petition with the board for review of its preliminary decision. At the hearing to review the preliminary decision, the burden shall be on the applicant to show that a license should be issued. After the hearing, the board shall affirm or reverse the preliminary denial. The applicant may appeal a final denial by the board to the appellate officer. (Added 1967, No. 364 (Adj. Sess.), § 14, eff. Jan. 1, 1969; amended 1969, No. 207 (Adj. Sess.), § 10, eff. March 24, 1970; 1971, No. 250 (Adj. Sess.), § 1; 1985, No. 245 (Adj. Sess.), § 1; 1989, No. 250 (Adj. Sess.), § 4(a), (d); 1991, No. 167 (Adj. Sess.), § 3

8; 2009, No. 103 (Adj. Sess.), § 19; 2011, No. 66, § 7, eff. June 1, 2011.)

§ 2593. Corporations, limited liability companies, partnerships, associations; individual proprietorships; liability

(a) The right to practice land surveying is a personal right based on the qualities of the individual and evidenced by a nontransferable license.

(b) A corporation, limited liability company, partnership, association, or individual proprietorship may furnish land surveyor services provided a member or employee thereof is a licensed land surveyor and is in responsible charge of such surveys, and provided all land surveys are signed and stamped with the personal seal of the licensed land surveyor in responsible charge.

(c) A corporation, limited liability company, partnership, association or individual proprietorship with which the land surveyor may practice shall be jointly and severally liable with the land surveyor for work performed. (Added 1967, No. 364 (Adj. Sess.), § 15, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1; 1997, No. 40, § 13.)

§ 2594. Licenses generally

(a) The board shall issue a license, upon payment of the fees prescribed in this chapter, to any applicant who has satisfactorily met all the requirements of this chapter. Licenses shall contain a serial number, the full name of the licensee, the signatures of the chairperson and

secretary and the seal of the board.

(b) Issuance of a license shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed land surveyor as long as the license remains unexpired and not revoked, suspended or limited by conditions established as a result of disciplinary action taken under the provisions of this chapter. (Added 1967, No. 364 (Adj. Sess.), § 16, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1.)

§ 2595. Exceptions

(a) The work of an employee or subordinate of a person having a license under this chapter is exempted from the provisions of this chapter if such work is done under the supervision of and is verified by a licensee.

(b) This chapter shall not be construed to apply to or to interfere with federal employees in the performance of their official duties.

(c) This chapter shall not be construed to apply to or to interfere with state employees in the performance of their official duties, provided that the work is being done under the supervision of a licensed land surveyor.

(d) [Repealed.] (Added 1967, No. 364 (Adj. Sess.), § 17, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1; 2009, No. 35, § 41.)

§ 2596. Use of seal; certification

(a) Each licensed land surveyor shall procure a personal seal in a form approved by the board. The surveyor shall affix the surveyor's signature and seal together with a certification statement as to the nature of the survey work upon all completed maps, plats, surveys or other documents before delivery thereof to any client or before any map, plat, survey or other document is offered for filing at the office of the town clerk or any other proper authority. The certification statement shall clearly set forth what information was used as the basis of the survey and shall indicate that the survey work identified thereon is consistent with this information.

(b) Use of the seal for stamping or sealing documents after the corresponding certificate of licensure has expired or has been suspended or revoked unless the certificate has been renewed or reissued shall be unlawful. (Added 1967, No. 364 (Adj. Sess.), § 18, eff. Jan. 1, 1969; amended 1985, No. 245 (Adj. Sess.), § 1.)

§ 2597. Fees

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application \$200.00

(2) Biennial renewal of license \$400.00

(Added 1967, No. 364 (Adj. Sess.), § 19, eff. Jan. 1, 1969; amended 1971, No. 250 (Adj. Sess.), § 2; 1985, No. 245 (Adj. Sess.), § 1; 1989, No. 250 (Adj. Sess.), § 58; 1991, No. 167

(Adj. Sess.), § 38b; 1997, No. 59, § 58, eff. June 30, 1997; 1999, No. 49, § 179; 2001, No. 143 (Adj. Sess.), § 28, eff. June 21, 2002; 2005, No. 202 (Adj. Sess.), § 18.)

§ 2598. Unprofessional conduct

(a) Unprofessional conduct is the conduct prohibited by this section and by 3 V.S.A. § 129a.

(b) Unprofessional conduct includes the following actions by a licensee:

(1) practicing or offering to practice beyond the scope permitted by law;

(2) accepting and performing responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;

(3) making any material misrepresentation with respect to the qualifications of or experience of an applicant or otherwise in the practice of the profession, whether by commission or omission;

(4) agreeing with any other person or organization, or subscribing to any code of ethics or organizational bylaws, when the intent or primary effect of that agreement, code or bylaw is to restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to the board;

(5) wilfully acting, while serving as a board member, in any way to contravene the provisions of this chapter and thereby artificially restrict the entry of qualified persons into the profession;

(6) using the licensee's seal on documents prepared by others not in the licensee's direct employ, or use the seal of another.

(7) [Deleted.] (Added 1967, No. 364 (Adj. Sess.), § 20, eff. Jan. 1, 1969; amended 1971, No. 250 (Adj. Sess.), § 3; 1985, No. 245 (Adj. Sess.), § 1; 1991, No. 167 (Adj. Sess.), § 38c; 1997, No. 145 (Adj. Sess.), § 47; 2011, No. 66, § 7, eff. June 1, 2011.)

§ 2599. Discipline of licensees

(a) The director of the office of professional regulation and the board shall accept signed, written complaints from any member of the public, any licensee, or any state or federal agency, and shall refer them to the prosecuting attorney, who shall decide whether to commence prosecution. The office of professional regulation may initiate disciplinary action in any complaint against a licensee and may act without having received a complaint.

(b) The burden of proof shall be on the state to show by a preponderance of the evidence that the licensee has engaged in unprofessional conduct.

(c) In connection with a disciplinary action, the board may refuse to accept the return of a license tendered by the subject of a disciplinary investigation and may notify relevant state, federal and local agencies and appropriate bodies in other states of the status of any pending or completed disciplinary case against an applicant or licensee, provided that the board has taken disciplinary action against that person or that the board has served notice of charges

against a licensee.

(d) After hearing and upon a finding of unprofessional conduct, the board may:

- (1) revoke a license;
- (2) suspend a license; or
- (3) issue a warning to a licensee.

(e)(1) Before, during or after hearing, the board may approve a negotiated agreement between the parties when it is in the best interest of the public health, safety or welfare to do so. Such an agreement may include, without limitation, any of the following conditions or restrictions which may be in addition to or in lieu of suspension:

- (A) a requirement that a licensee submit to care or counseling;
 - (B) a restriction that a licensee practice only under supervision of a named person or a person with specified credentials;
 - (C) a requirement that a licensee participate in continuing education, as defined by the board, in order to overcome specified deficiencies;
 - (D) a requirement that the licensee's scope of practice be restricted to a specified extent.
- (2) Such an agreement may be modified by the parties after obtaining the approval of the board.
- (f) An interested party may petition the board for modification of the terms of an order under this section.

(g) Where a license has been revoked, the board may reinstate the license on terms and conditions it deems proper. (Added 1985, No. 245 (Adj. Sess.), § 1; amended 1989, No. 250 (Adj. Sess.), §§ 4(d), 59; 2005, No. 148 (Adj. Sess.), § 23.)

2600. Repealed. 1989, No. 250 (Adj. Sess.), § 92.

§ 2601. Renewals

- (a) Licenses shall be renewed every two years upon payment of the renewal fee.
- (b) Biennially, the board shall forward a renewal form to each licensee. Upon receipt of the completed form and the renewal fee, the board shall issue a new license.
- (c) A license which has lapsed for a period of three years or less may be renewed upon application and payment of the renewal fee and the late penalty fee.
- (d) As a condition of renewal, the board shall require that a licensee establish that he or she has completed continuing education, as approved by the board not to exceed 15 hours for each year of renewal.

(e) The board may renew the license of an individual whose license has lapsed for more than three years upon payment of the required fee, and the late renewal penalty, provided the individual has satisfied all the requirements for renewal, including continuing education. (Added 1993, No. 108 (Adj. Sess.), § 11.)

2602. Expired. 1997, No. 77 (Adj. Sess.), § 2, as amended by 1999, No. 52, § 42.
