

**MEETING OF THE LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE  
OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND  
GEOLOGISTS**

**Board for Professional Engineers, Land Surveyors, and Geologists**

**2535 Capitol Oaks Drive**

**Third Floor Conference Room**

**Sacramento, California, 95833**

**Thursday, March 20, 2014, 1:00 p.m.**

**LAND SURVEYOR TECHNICAL ADVISORY COMMITTEE**

<b>Members:</b>	Michael S. Butcher, PLS; Michael B. Emmons, PLS; Paul J. Enneking, PLS; William Hofferber Jr., PLS
<b>Board Liaisons:</b>	Patrick J. Tami, PLS; Coby King
<b>Staff Liaison:</b>	Raymond L. Mathe, PLS

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1. Roll Call

2. Public Comment

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3. Approval of LS TAC Minutes, August 27,2013 (Possible Action)

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

Comments:

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# MEETING OF THE LAND SURVEYING TECHNICAL ADVISORY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

California Department of General Services  
3737 Main Street, 2nd Floor Conference Room  
Riverside, CA 92501

Tuesday, August 27, 2013, 1:10 p.m.

**TAC Members Present:** Michael S. Butcher, PLS; Michael B. Emmons, PLS,  
Paul J. Enneking, PLS; William Hofferber Jr., PLS

**Board Liaisons Present:** Patrick J. Tami, P.L.S.

**TAC Staff Present:** Richard Moore, PLS, Executive Officer, Raymond L.  
Mathe, PLS; Nancy Eissler, Staff Liaison

**1. Roll Call**

Roll Call was taken by Mr. Mathe and a quorum established. The meeting was called to order at 1:10 p.m.

**2. Election of 2013/2014 Chairman and Vice-Chairman**

MOTION: Mr. Emmons made a motion and Mr. Enneking seconded to elect Mr. Butcher as Chair

VOTES: 4-0; Motion carried

MOTION: Mr. Butcher made a motion and Mr. Emmons seconded to elect Mr. Hofferber as Vice- Chair

VOTES: 4-0; Motion carried

**3. Public Comment**

None

**4. Approval of LS TAC Minutes**

Minutes of the last meeting should be presented at the next meeting with the following changes:

Changes to item #6 – confirm and correct the spelling of Mr. Hixon’s name and delete “representing EBMUD.”

Changes to item #7 – add the statement “Mr. Butcher raised a conflict of interest as he, as a member of CLSA, has taken a position on legislation related to tagging.”

**5. Review Corner Record requirements as specified in Board Rule 464 for possible changes (Possible Action)**

Mr. Mathe stated the Board would have to direct staff to look at changing the Board Rules. The TAC can request Mr. Tami to present the recommendation to Board to

consider the changes to Board Rule 464. Ms. Eissler stated that any changes made to Rule 464 will have to go through the formal rule making process.

Mr. Enneking pointed out that NAD88 should be NAVD88.

The TAC discussed potential changes to the updated Corner Record form. Mr. Hills, Orange County Surveyor, made a comment concerning confusion with subdivisions and centerline ties for subdivisions; some cities have tie notes and they do not file Corner Records; a box could be added to the form to clear that up. It could be beneficial to get cities to file tie sheets with counties – could be under “Corner Type” with a reference to the Subdivision Map Act.

MOTION: Mr. Enneking made a motion and Mr. Emmons seconded to recommend to the Board to proceed to amend Board Rule 464 regarding the Corner Record form.

VOTES: 4-0; Motion carried

**6. Update on Administrative Workgroup status for Board Rule 425(c) and (d) regarding Criteria for Responsible Training for applicants**

Mr. Mathe gave an update on the Task Force meetings that happened December 13-14, 2012 and July 12, 2013. Mr. Mathe and Mr. Tami from the TAC were present at both meetings.

The first meeting was to go over applications and look at process as to how the Board Rules were applied to the applications and where applicants get their experience. The July meeting focused on suggestions and recommendations to change the application to remove item 12 related to engagement forms, and to change the engagement forms to add a Part C. Part A would be more of a resume of the applicant’s experience, work history and education; Part B would focus on more detailed descriptions about responsible training; Part C would ask for professional references similar to what Part B is now with a narrative about mentorship.

Mr. Mathe will keep the TAC informed about future meetings, findings and changes made by the Task Force and the Administrative Workgroup.

**7. Update on technical and professional societies’ legislative activities**

Mr. Butcher stated AB 1063 has become a 2-year bill. The bill is sponsored by ACEC. CLSA is working with ACEC on revisions. CLSA might contact the board for possible language changes.

**8. Report on April 18 and June 13, 2013 Board Meetings**

Mr. Enneking was reappointed to the LSTAC as of July 2013. TAC terms were discussed. Board staff will look into the length of terms members can belong to a TAC. Dialogue was had about appointing another TAC member.

**9. Proposed 2013/2014 LSTAC Work Plan**

No changes were made to the work plan.

**10. Date of Next TAC Meeting**

The next LS TAC meeting will be determined based on the next date of the Board meeting in December (11 & 12 or 18 & 19).

**12. Adjourn**

MOTION: Mr. Butcher made a motion and Mr. Enneking seconded to adjourn the meeting at 2:52 p.m.

VOTES: 4-0; Motion carried

**PUBLIC PRESENT**

Kevin Hills, Orange County Public Works Department

Jay Kay Seymour, CLSA

Craig Wehrman, Orange County Public Works Department

Joshua Tatman

Roger Hanlin, CLSA

4. Review Rule Change Package for Corner Record requirements as specified in Board Rule 464 for possible changes (Possible Action))



#### 464. Corner Record.

(a) The corner record required by Section 8773 of the Code for the perpetuation of monuments shall contain the following information for each corner identified therein:

(1) The county and, if applicable, city in which the corner is located.

(2) An identification of the township, range, base, and meridian in which the corner is located, if applicable.

(3) Identification of the corner type (example: government corner, control corner, property corner, etc.).

(4) Description of the physical condition of

(A) the monument as found and

(B) any monuments set or reset.

(5) The date of the visit to the monument when the information for the corner record was obtained.

(6) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner. For other kinds of corners, a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.

(7) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.

(8) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.

(9) The date the corner record was filed and the signature of the county surveyor.

(10) A document or filing number.

(11) Identification of PLS Reference, if applicable.

(12) Identification of action(s) taken relating to corner/monument condition.

(13) An Agency Index Number, if applicable.

(b) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.

(c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

(d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.

(e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.

(f) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.

(g) The corner record shall be entitled ~~filed on a form prescribed by the Board.~~ The approved form is BORPELS-1297BPELSG-2014, hereby incorporated by reference.

# CORNER RECORD

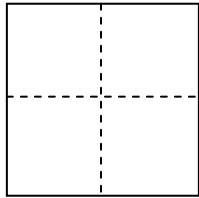
Agency Index \_\_\_\_\_

Document Number \_\_\_\_\_

City of \_\_\_\_\_

County of \_\_\_\_\_, California

Brief Legal Description \_\_\_\_\_



### CORNER TYPE

Government Corner  Control   
 Meander  Property   
 Rancho  Other

Date of Survey \_\_\_\_\_

### COORDINATES(Optional)

N. \_\_\_\_\_

E. \_\_\_\_\_

Zone \_\_\_\_\_ NAD27  NAD83

NAD83 Epoch \_\_\_\_\_

Elev. \_\_\_\_\_

Vert. Datum: NGVD29  NAVD88

Meas. Units: Metric  Imperial

PLS Act Ref.: 8765(d)  8773  Other \_\_\_\_\_ 8771(b)

Corner/Monument: Left as found  Established  Rebuilt  Pre-Construction   
 Found and tagged  Reestablished  Referenced  Post-Construction

Narrative of corner identified and monument as found and set or reset:

See sheet #2 for description(s):

### SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with the Professional Land Surveyors' Act on \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_ P.L.S. or R.C.E. No. \_\_\_\_\_

### COUNTY SURVEYOR'S STATEMENT

This Corner Record was received \_\_\_\_\_, \_\_\_\_\_ and examined and filed \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_ P.L.S. or R.C.E. No. \_\_\_\_\_

Title \_\_\_\_\_

County Surveyor's Comment \_\_\_\_\_

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Document Number

Agency Index

Document Number	Agency Index
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5. Update on Administrative Task Force status for Board Rule 425(c) and (d) regarding Criteria for Responsible Training for applicants (Possible Action)

6. Discussion of Legislation for 2014: AB 1551; AB 1855 (Possible Action)

**BILL: AB 1551**

**AUTHOR:** Holden

**TOPIC:** Professional engineers and land surveyors: documents

**DATE OF INTRODUCTION:** 1/27/14

**MOST RECENT VERSION:** 1/27/14

**ANALYSIS DATE:** 3/10/14

**BILLS LEGISLATIVE HISTORY:** Introduced 1/27/14. Referred to Assembly Committee on Business, Professions, & Consumer Protection 2/6/14.

**BOARD POSITION:** Support only if amended

**SUMMARY:** Assembly Bill (AB) 1551 prohibits a person from using a licensed engineer's documents, without the written consent of the licensed engineer. The bill would also prohibit a person from using a licensed land surveyor's maps, plats, reports, descriptions, or other documentary evidence without the written consent of the licensed land surveyor. The bill would prohibit a licensed engineer or land surveyor from unreasonably withholding consent to use these documents.

**HISTORY:** In 2013/14, AB 630 (Chapter 453, Statutes 2013), was passed and prohibits a person from using an architect's instruments of service without a written contract authorizing that use and prohibits an architect from unreasonably withholding consent from the architect's client to use those instruments of service. According to the author's office, the "bill clarifies that a person or entity must have contractual authorization to use the work, or instruments of service, prepared by an architect. By clarifying existing law in plain English, the objective is to establish a clear law that can be used to avoid timely and costly arguments when an unauthorized user attempts to use the instruments of service prepared by an architect."

The American Institute of Architects, California Council (AIACC) sponsored AB 630 based on numerous firms reporting that persons have attempted to use architectural instruments without consent. The AIACC argues that "architects provide a service and not a product. The service cannot be bought and sold except by the architect, with the consent of the architect, or by the client if the architect has transferred ownership of the intellectual property to the client."

The American Council of Engineering Companies (ACEC) is sponsoring AB 1551. The intent of legislation, similar to AB 630, is to provide contractual protections for engineers and land surveyors and the documents, maps, and reports that they create.

**COMMENT:** AB 1551, as introduced, intends to remove ambiguity as to who is authorized to use engineering documents and land surveyors maps, plats, and reports. Contractual consent must be written into a contract that specifies ownership.

Business and Professions Code (BPC) Sections (§§§§) 6735(b), 6735.3(b), 6735.4(b), and 8761.2 all provide that a professional engineer or land surveyor is not responsible for subsequent changes that are made to his or her civil, electrical, or mechanical engineering or land surveying documents that are made without his or her knowledge, authorization, or approval.

Additionally, BPC §§ 6749 and 8759 describing written contracts between the licensed professional and the client requires multiple descriptions of services that can include the protection of

documents, plans, and reports or transfer of ownership of those documents, plans, and reports.

AB 1551 seeks to provide additional protections to the licensed engineer or licensed land surveyor at the consumer's expense. The licensed professional "may reasonably withhold consent to use the documents for cause, including, but not limited to, lack of full payment for services provided or failure of the requesting person to fulfill his or her obligations under a written contract pertaining to the services." The authority provided to the licensed professional regarding withholding consent is vague and offers an opportunity for unseemly professionals to restrict services to consumers and is not providing protection for consumers by its process.

This bill also includes provisions that state "the Legislature finds and declares that the provisions of this sections are declaratory of existing law and shall not be construed to limit or eliminate any right otherwise granted by law." However, it is unclear what "existing law" this purports to be declaratory of. There are no provisions in the Professional Engineers Act and Professional Land Surveyors Act that address "ownership" of engineering and land surveying documents. This proposal appears to be an attempt to move copyright infringement claims or claims of failure of the client to pay for services rendered from the civil courts to the licensing/regulatory board.

This is not a consumer protection bill. AB 1551, as written, protects the licensed professional and unfairly favors the rights of the licensed professional when providing contracted services to the detriment of the consumer. The Board staff recommends and oppose position for this bill.

The Board took this position on AB 1551 at their February 12 & 13 2014 meeting:

The Board will support AB 1551 ONLY IF it is amended to narrow the scope of the bill to only allow the Board to impose disciplinary action against a licensee who [has been found by a court to have] violated the intellectual property rights of another licensee.



**ASSEMBLY BILL**

**No. 1551**

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**Introduced by Assembly Member Holden**

January 27, 2014

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An act to add Sections 6735.7 and 8761.3 to the Business and Professions Code, relating to professional engineers and land surveyors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1551, as introduced, Holden. Professional engineers and land surveyors: documents.

Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law requires engineering documents, defined to include plans, calculations, specifications, and reports, to be prepared by, or under the responsible charge of, a licensed engineer and to include his or her name and license number. Existing law requires all land surveying documents to be prepared by, or under the responsible charge of, a licensed land surveyor or civil engineer authorized to practice land surveying and to include his or her name and license number.

Existing law makes a violation of those provisions a misdemeanor.

This bill would prohibit a person from using a licensed engineer's documents, without the written consent of the licensed engineer, as specified. The bill would also prohibit a person from using a licensed land surveyor's maps, plats, reports, descriptions, or other documentary evidence without the written consent of the licensed land surveyor, as specified. The bill would prohibit a licensed engineer or land surveyor from unreasonably withholding consent to use these documents. The

bill would make legislative findings and declarations that the bill’s provisions are declaratory of existing law.

Because this bill would expand the scope of an existing crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6735.7 is added to the Business and  
2 Professions Code, to read:

3 6735.7. (a) No person shall use a licensed engineer’s  
4 documents, as defined in Sections 6735, 6735.3, and 6735.4,  
5 without the consent of the licensed engineer in a written contract,  
6 written agreement, or written license specifically authorizing that  
7 use.

8 (b) A licensed engineer shall not unreasonably withhold consent  
9 to use his or her documents from a person for whom the  
10 professional engineer provided the services. A licensed engineer  
11 may reasonably withhold consent to use the documents for cause,  
12 including, but not limited to, lack of full payment for services  
13 provided or failure of the requesting person to fulfill his or her  
14 obligations under a written contract pertaining to the services.

15 (c) The Legislature finds and declares that the provisions of this  
16 section are declaratory of existing law and shall not be construed  
17 to limit or eliminate any right otherwise granted by law.

18 SEC. 2. Section 8761.3 is added to the Business and Professions  
19 Code, to read:

20 8761.3. (a) No person shall use a licensed land surveyor’s  
21 maps, plats, reports, descriptions, or other documentary evidence  
22 authorized by Section 8761 without the consent of the licensed  
23 land surveyor in a written contract, written agreement, or written  
24 license specifically authorizing that use.

25 (b) A licensed land surveyor shall not unreasonably withhold  
26 consent to use his or her maps, plats, reports, descriptions, or other

1 documentary evidence from a person for whom the professional  
2 land surveyor provided the services. A licensed land surveyor may  
3 reasonably withhold consent to use the maps, plats, reports,  
4 descriptions, or other documentary evidence for cause, including,  
5 but not limited to, lack of full payment for services provided or  
6 failure of the requesting person to fulfill his or her obligations  
7 under a written contract pertaining to the services.

8 (c) The Legislature finds and declares that the provisions of this  
9 section are declaratory of existing law and shall not be construed  
10 to limit or eliminate any right otherwise granted by law.

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

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**ASSEMBLY BILL**

**No. 1855**

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**Introduced by Assembly Member Melendez**

February 19, 2014

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An act to amend Sections 8726 and 8762 of the Business and Professions Code, relating to land surveying.

LEGISLATIVE COUNSEL'S DIGEST

AB 1855, as introduced, Melendez. Land surveying: field survey record.

(1) Existing law, the Professional Land Surveyors' Act and the Professional Engineers Act, provides for the licensure and regulation of professional land surveyors and civil engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Violation of those acts is a crime.

Existing law defines the practice of land surveying to include, among other practices, use of the principles of land surveying to determine the position for any monument or reference point which marks a property line, boundary, or corner, or sets, resets, or replaces any monument or reference point.

This bill would additionally include in that practice use of those principles to determine the position of an easement.

(2) Existing law requires a licensed land surveyor or a licensed civil engineer who makes a field survey in conformity with the practice of land surveying to file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses specified information. This information includes, among other information, that the points or lines set during the performance of a field survey of any

parcel described in any deed or other instrument of title recorded in the county recorder’s office are not shown on any subdivision map, official map, or record of survey. Existing law requires a county surveyor to examine and file those records.

This bill would additionally require a licensed land surveyor or a licensed civil engineer to file a record of a field survey relating to an easement, or if the points or lines set during the performance of a field survey of any parcel described in any easement are not shown on those maps or records of survey.

(3) Because this bill would expand a crime, and would impose a higher standard of service on county surveyors, the bill would create state-mandated local programs.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8726 of the Business and Professions
- 2 Code is amended to read:
- 3 8726. A person, including any person employed by the state
- 4 or by a city, county, or city and county within the state, practices
- 5 land surveying within the meaning of this chapter who, either in
- 6 a public or private capacity, does or offers to do any one or more
- 7 of the following:
- 8 (a) Locates, relocates, establishes, reestablishes, or retraces the
- 9 alignment or elevation for any of the fixed works embraced within
- 10 the practice of civil engineering, as described in Section 6731.
- 11 (b) Determines the configuration or contour of the earth’s
- 12 surface, or the position of fixed objects above, on, or below the
- 13 surface of the earth by applying the principles of mathematics or
- 14 photogrammetry.

1 (c) Locates, relocates, establishes, reestablishes, or retraces any  
2 property line or boundary of any parcel of land, right-of-way,  
3 easement, or alignment of those lines or boundaries.

4 (d) Makes any survey for the subdivision or resubdivision of  
5 any tract of land. For the purposes of this subdivision, the term  
6 “subdivision” or “resubdivision” shall be defined to include, but  
7 not be limited to, the definition in the Subdivision Map Act  
8 (Division 2 (commencing with Section 66410) of Title 7 of the  
9 Government Code) or the Subdivided Lands Law (Chapter 1  
10 (commencing with Section 11000) of Part 2 of Division 4 of this  
11 code).

12 (e) By the use of the principles of land surveying determines  
13 the position for any monument or reference point which marks a  
14 property line, boundary, *easement*, or corner, or sets, resets, or  
15 replaces any monument or reference point.

16 (f) Geodetic or cadastral surveying. As used in this chapter,  
17 geodetic surveying means performing surveys, in which account  
18 is taken of the figure and size of the earth to determine or  
19 predetermine the horizontal or vertical positions of fixed objects  
20 thereon or related thereto, geodetic control points, monuments, or  
21 stations for use in the practice of land surveying or for stating the  
22 position of fixed objects, geodetic control points, monuments, or  
23 stations by California Coordinate System coordinates.

24 (g) Determines the information shown or to be shown on any  
25 map or document prepared or furnished in connection with any  
26 one or more of the functions described in subdivisions (a), (b), (c),  
27 (d), (e), and (f).

28 (h) Indicates, in any capacity or in any manner, by the use of  
29 the title “land surveyor” or by any other title or by any other  
30 representation that he or she practices or offers to practice land  
31 surveying in any of its branches.

32 (i) Procures or offers to procure land surveying work for himself,  
33 herself, or others.

34 (j) Manages, or conducts as manager, proprietor, or agent, any  
35 place of business from which land surveying work is solicited,  
36 performed, or practiced.

37 (k) Coordinates the work of professional, technical, or special  
38 consultants in connection with the activities authorized by this  
39 chapter.

1 (l) Determines the information shown or to be shown within  
 2 the description of any deed, trust deed, or other title document  
 3 prepared for the purpose of describing the limit of real property  
 4 in connection with any one or more of the functions described in  
 5 subdivisions (a) to (f), inclusive.

6 (m) Creates, prepares, or modifies electronic or computerized  
 7 data in the performance of the activities described in subdivisions  
 8 (a), (b), (c), (d), (e), (f), (k), and (l).

9 (n) Renders a statement regarding the accuracy of maps or  
 10 measured survey data.

11 Any department or agency of the state or any city, county, or  
 12 city and county that has an unregistered person in responsible  
 13 charge of land surveying work on January 1, 1986, shall be exempt  
 14 from the requirement that the person be licensed as a land surveyor  
 15 until the person currently in responsible charge is replaced.

16 The review, approval, or examination by a governmental entity  
 17 of documents prepared or performed pursuant to this section shall  
 18 be done by, or under the direct supervision of, a person authorized  
 19 to practice land surveying.

20 SEC. 2. Section 8762 of the Business and Professions Code is  
 21 amended to read:

22 8762. (a) Except as provided in subdivision (b), after making  
 23 a field survey in conformity with the practice of land surveying,  
 24 the licensed surveyor or licensed civil engineer may file with the  
 25 county surveyor in the county in which the field survey was made,  
 26 a record of the survey.

27 (b) Notwithstanding subdivision (a), after making a field survey  
 28 in conformity with the practice of land surveying, the licensed land  
 29 surveyor or licensed civil engineer shall file with the county  
 30 surveyor in the county in which the field survey was made a record  
 31 of the survey relating to land boundaries ~~or~~, property lines, *or*  
 32 *easements*, if the field survey discloses any of the following:

33 (1) Material evidence or physical change, which in whole or in  
 34 part does not appear on any subdivision map, official map, or  
 35 record of survey previously recorded or properly filed in the office  
 36 of the county recorder or county surveying department, or map or  
 37 survey record maintained by the Bureau of Land Management of  
 38 the United States.

39 (2) A material discrepancy with the information contained in  
 40 any subdivision map, official map, or record of survey previously

1 recorded or filed in the office of the county recorder or the county  
2 surveying department, or any map or survey record maintained by  
3 the Bureau of Land Management of the United States. For purposes  
4 of this subdivision, a “material discrepancy” is limited to a material  
5 discrepancy in the position of points or lines, or in dimensions.

6 (3) Evidence that, by reasonable analysis, might result in  
7 materially alternate positions of lines or points, shown on any  
8 subdivision map, official map, or record of survey previously  
9 recorded or filed in the office of the county recorder or the county  
10 surveying department, or any map or survey record maintained by  
11 the Bureau of Land Management of the United States.

12 (4) The location, relocation, establishment, reestablishment, or  
13 retracement of one or more points or lines not shown on any  
14 subdivision map, official map, or record of survey, the positions  
15 of which are not ascertainable from an inspection of the subdivision  
16 map, official map, or record of survey.

17 (5) The points or lines set during the performance of a field  
18 survey of any parcel described in any *easement*, deed, or other  
19 instrument of title recorded in the county recorder’s office are not  
20 shown on any subdivision map, official map, or record of survey.

21 (c) The record of survey required to be filed pursuant to this  
22 section shall be filed within 90 days after the setting of boundary  
23 monuments during the performance of a field survey or within 90  
24 days after completion of a field survey, whichever occurs first.

25 (d) (1) If the 90-day time limit contained in subdivision (c)  
26 cannot be complied with for reasons beyond the control of the  
27 licensed land surveyor or licensed civil engineer, the 90-day time  
28 period shall be extended until the time at which the reasons for  
29 delay are eliminated. If the licensed land surveyor or licensed civil  
30 engineer cannot comply with the 90-day time limit, he or she shall,  
31 prior to the expiration of the 90-day time limit, provide the county  
32 surveyor with a letter stating that he or she is unable to comply.  
33 The letter shall provide an estimate of the date for completion of  
34 the record of survey, the reasons for the delay, and a general  
35 statement as to the location of the survey, including the assessor’s  
36 parcel number or numbers.

37 (2) The licensed land surveyor or licensed civil engineer shall  
38 not initially be required to provide specific details of the survey.  
39 However, if other surveys at the same location are performed by  
40 others which may affect or be affected by the survey, the licensed



1 land surveyor or licensed civil engineer shall then provide  
2 information requested by the county surveyor without unreasonable  
3 delay.

4 (e) Any record of survey filed with the county surveyor shall,  
5 after being examined by him or her, be filed with the county  
6 recorder.

7 (f) If the preparer of the record of survey provides a  
8 postage-paid, self-addressed envelope or postcard with the filing  
9 of the record of survey, the county recorder shall return the  
10 postage-paid, self-addressed envelope or postcard to the preparer  
11 of the record of survey with the filing data within 10 days of final  
12 filing. For the purposes of this subdivision, “filing data” includes  
13 the date, the book or volume, and the page at which the record of  
14 survey is filed with the county recorder.

15 SEC. 3. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution for certain  
17 costs that may be incurred by a local agency or school district  
18 because, in that regard, this act creates a new crime or infraction,  
19 eliminates a crime or infraction, or changes the penalty for a crime  
20 or infraction, within the meaning of Section 17556 of the  
21 Government Code, or changes the definition of a crime within the  
22 meaning of Section 6 of Article XIII B of the California  
23 Constitution.

24 However, if the Commission on State Mandates determines that  
25 this act contains other costs mandated by the state, reimbursement  
26 to local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.

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7. Review Inquiry about contractors providing construction staking (Possible Action)

7. Review of Inquiry about contractors providing construction staking (Possible Action)

Portion of original email inquiry to LS TAC member:

Recently we have seen a steep increase in the number of contractors utilizing total stations to perform construction staking operations on both private and public projects around the bay area. We have reached out to Local 3 about this issue, but this is really an issue for the profession, not just the unions. Trimble, Leica and Topcon will sell their equipment to anyone with money, and the user interfaces they have developed have given staking ability to a lesser skilled workforce.

There is already language in the LS Act, but there doesn't seem to be any enforcement to back it. Can you tell me what is being done at the state level to push legislature that will protect our industry so these functions don't follow the same path as GIS mapping and GPS Machine Control?

Portion of email comments regarding this issue:

█████ forwarded this e-mail to me yesterday. We have also seen this in Southern California. Some of the larger electrical contractors are using total stations to layout their trenches. We stake the backbone and then they use the total stations to fill in between. In my experience with the number of stakes we set they could fill in the blanks with a rag tape, but I imagine soon we will see less staking requested. We also see carpenters/layout guys using the total stations on grids within the buildings. Our biggest hurdle is our instrument is locking onto their prism.

8. Discussion of Contractors brokering surveying and engineering services (Possible Action)

# **PROFESSIONAL LAND SURVEYORS' ACT**

## **(Business and Professions Code §§ 8700 – 8805)**

**INCLUDES AMENDMENTS MADE DURING THE 2013 LEGISLATIVE SESSION**  
**(Effective January 1, 2014, unless otherwise noted)**

### **CHAPTER 15. LAND SURVEYORS**

#### **Article 3. Application of the Chapter**

##### **8725. Necessity of license**

Any person practicing, or offering to practice, land surveying in this state shall submit evidence that he or she is qualified to practice and shall be licensed under this chapter.

It is unlawful for any person to practice, offer to practice, or represent himself or herself, as a land surveyor in this state, or to set, reset, replace or remove any survey monument on land in which he or she has no legal interest, unless he or she has been licensed or specifically exempted from licensing under this chapter.

##### **8726. Land surveying defined**

A person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

(a) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.

(b) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.

(c) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.

(d) Makes any survey for the subdivision or resubdivision of any tract of land. For the purposes of this subdivision, the term "subdivision" or "resubdivision" shall be defined to include, but not limited to, the definition in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of this Code).

(e) By the use of the principles of land surveying determines the position for any monument or reference point which marks a property line, boundary, or corner, or sets, resets, or replaces any such monument or reference point.

(f) Geodetic or cadastral surveying. As used in this chapter, geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of fixed objects thereon or related thereto, geodetic control points, monuments, or stations for use in the practice of land surveying or for

stating the position of fixed objects, geodetic control points, monuments, or stations by California Coordinate System coordinates.

(g) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subdivisions (a), (b), (c), (d), (e), and (f).

(h) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or by any other title or by any other representation that he or she practices or offers to practice land surveying in any of its branches.

(i) Procures or offers to procure land surveying work for himself, herself, or others.

(j) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced.

(k) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.

(l) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in subdivisions (a) to (f), inclusive.

(m) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in subdivisions (a), (b), (c), (d), (e), (f), (k) and (l).

(n) Renders a statement regarding the accuracy of maps or measured survey data.

Any department or agency of the state or any city, county, or city and county that has an unregistered person in responsible charge of land surveying work on January 1, 1986, shall be exempt from the requirement that the person be licensed as a land surveyor until such time as the person currently in responsible charge is replaced.

The review, approval, or examination by a governmental entity of documents prepared or performed pursuant to this section shall be done by, or under the direct supervision of, a person authorized to practice land surveying.

## **Article 7. Offenses Against the Chapter**

### **8792. Misdemeanors**

Every person is guilty of a misdemeanor:

(a) Who, unless he or she is exempt from licensing under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.

(b) Who presents as his or her own the license of a professional land surveyor unless he or she is the person named on the license.

(c) Who attempts to file as his or her own any record of survey under the license of a professional land surveyor.

(d) Who gives false evidence of any kind to the board, or to any member, in obtaining a license.

(e) Who impersonates or uses the seal of a professional land surveyor.

(f) Who uses an expired, suspended, or revoked license.

(g) Who represents himself or herself as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless he or she is correspondingly qualified by licensure as a land surveyor under this chapter.

(h) Who uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that he or she is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.

(i) Who, unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section 6731.2 and subdivision (d) of Section 8729.

(j) Who violates any provision of this chapter.

9. Update on technical and professional societies' legislative activities (Discussion Only)



10. Report on August 28-29, October 10, December 5, 2013 and February 12-13, 2014 Board Meetings (If necessary)

## 11. Proposed 2014/2015 LSTAC Workplan (Possible Action)

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

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**PROPOSED  
WORK PLAN  
TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL LAND SURVEYOR)****INTRODUCTION**

TAC (PLS) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers and Land Surveyors. The input may take the form of assistance to Board staff, direct assistance to the liaison Board members, or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the TAC (PLS) will be in the interest of safeguarding property and public welfare.

**YEAR PLAN**

1. To assist the Board staff in the review of applications for licensure as a Professional Land Surveyor.
2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of land surveying, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of land surveying.
6. To review ABET matters regarding the practice of land surveying when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
9. To assist Board staff in the review of Board Rule 425 - Responsible training and educational requirements and make recommended changes to meet practice standards.

12. Date of Next TAC Meeting

13. Other Business Not Requiring Committee Action

14. Adjourn