



SPONSOR: Rep. K. Johnson & Rep. Longhurst & Sen. Walsh
Reps. Bennett, Bentz, Dorsey Walker, Yearick; Sen.
Delcollo

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 42

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2708, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2708 Qualifications of applicant; report to Attorney General; judicial review.

4 (a) An applicant who is applying for licensure under this chapter shall submit evidence, verified by oath and
5 satisfactory to the Board, that such person:

6 (1)a. Applying for licensure as a surveyor intern has satisfied 1 of the following requirements:

7 1. Is a college senior or a graduate of a surveying program of 4 years or more; or

8 2. Is a graduate of a 4-year or more program as acceptable to the Board and has had at least 2 years
9 of combined office and field experience in responsible charge of land surveying projects performed under the
10 direct supervision of a professional land surveyor in the active practice of land surveying. The required
11 experience shall not be achieved concurrently with the education requirement; or

12 3. Is a graduate of a surveying program of 2 years or more and has had at least 2 years of combined
13 office and field experience in responsible charge of land surveying projects performed under the direct
14 supervision of a professional land surveyor in the active practice of land surveying. The required experience
15 shall not be achieved concurrently with the education requirement; or

16 4. Has 5.5 years of experience under the direct supervision of a professional land surveyor in the
17 active practice of land surveying and has obtained Level IV Survey Technician Certification established by
18 the National Society of Professional Surveyors — American Congress on Surveying and Mapping or similar
19 certification acceptable to the Board.

20 b. Applying for licensure as a professional land surveyor has served as a surveyor intern with a specific
21 record of 4 years, as said intern, of combined office and field experience in responsible charge of land surveying

22 projects performed under the direct supervision of a professional land surveyor in the active practice of land
23 surveying.

24 c. When calculating the years of experience for licensure under this chapter, the work performed under
25 the direct supervision of a property line surveyor licensed under the Maryland Code, or by a surveyor licensed
26 under equivalent provisions of other states, shall be considered as equivalent to work performed under the direct
27 supervision of a professional land surveyor in Delaware.

28 (2) Professional land surveyors shall have achieved the passing score on the written standardized national
29 examination developed by ~~the national professional association~~ the National Council of Examiners for Engineering and
30 Surveying in the principles of surveying, the fundamentals of surveying, and the written 2 hour examination on
31 drainage and Delaware law. ~~Surveyor interns shall have achieved a passing score on the written standardized national~~
32 ~~examination developed by the national professional association in the fundamentals of surveying; a college senior must~~
33 ~~show proof of graduation prior to issuance of a license as a surveyor intern.~~

34 (3) Shall have paid the appropriate fee or fees as established by the Division of Professional Regulation.

35 (4) Shall not have been the recipient of any administrative penalties regarding that person's practice of land
36 surveying, including, but not limited to, fines, formal reprimands, license suspensions or revocation (except for license
37 revocations for nonpayment of license renewal fees), or probationary limitations, and/or has not entered into any
38 "consent agreements" that contain conditions placed by a Board on that person's professional conduct and practice,
39 including any voluntary surrender of a license. The Board may determine, after a hearing, whether such administrative
40 penalty is grounds to deny licensure.

41 (5) Shall not have any impairment related to drugs and/or alcohol that would limit the applicant's ability to
42 undertake the practice of land surveying in a manner consistent with the safety of the public.

43 (6) Shall not have a criminal conviction record, nor pending criminal charge relating to an offense the
44 circumstances of which substantially relate to the practice of land surveying. Applicants who have criminal conviction
45 records or pending criminal charges shall request appropriate authorities to provide information about the record or
46 charge directly to the Board in sufficient specificity to enable the Board to make a determination whether the record or
47 charge is substantially related to the practice of land surveying. However, after a hearing or review of documentation
48 demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a
49 majority of the quorum, may waive this paragraph (a)(6) of this section, if it finds all of the following:

50 a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At
51 the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or

52 serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to
53 fines, restitution and community service.

54 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
55 not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must
56 be in substantial compliance with all court orders pertaining to fines, restitution and community service.

57 c. The applicant is capable of practicing professional land surveying in a competent and professional
58 manner.

59 d. The granting of the waiver will not endanger the public health, safety or welfare.

60 (7) Shall not have engaged in any of the acts or offenses that would be grounds for disciplinary action under
61 this chapter and has no disciplinary proceedings or unresolved complaints pending against that person in any
62 jurisdiction where the applicant has previously been or currently is licensed or registered as a land surveyor.

63 (b) Where the Board has found to its satisfaction that an application has been intentionally fraudulent or that false
64 information has been intentionally supplied, it shall report its findings to the Attorney General for further action.

65 (c) Where the application of a person has been refused or rejected and such applicant feels that the Board has
66 acted without justification, has imposed higher or different standards for that person than for other applicants or licensees,
67 or has in some other manner contributed to or caused the failure of such application, the applicant may appeal to the
68 Superior Court. The appeal shall be treated as an appeal of an administrative agency decision pursuant to the Administrative
69 Procedures Act, Chapter 101, Title 29.

70 Section 2. Amend Chapter 27, Title 24 of the Delaware Code by making deletions as shown by strike through and
71 insertions as shown by underline as follows:

72 § 2723. Entry upon adjoining land.

73 A Professional land surveyor and persons working under the surveyor's direct supervision shall not be liable for
74 civil or criminal trespass for entry upon land in the course of preparing a survey.

SYNOPSIS

This bill makes changes to the qualifications for professional land surveyors. This bill also makes clear that there is no civil or criminal trespass when a professional land surveyor enters upon land in the course of preparing a survey.