SPONSOR: Rep. Ramone & Rep. K. Johnson & Rep. Longhurst & Sen. Pettyjohn
Reps. Gray, Hilovsky; Sens. Hocker, Huxtable, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 117
AS AMENDED BY
HOUSE AMENDMENT NO. 3

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:

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

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

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

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

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

2. Is a graduate of a 4-year or more program as acceptable to the Board and has had at least 4,000 hours of combined office and field experience in responsible charge of land surveying projects performed under the direct supervision of a professional land surveyor in the active practice of land surveying. The required experience may be achieved concurrently with the education requirement; or

3. Is a graduate of a surveying program of 4,000 hours or more and has had at least 4,000 hours of combined office and field experience in responsible charge of land surveying projects performed under the direct supervision of a professional land surveyor in the active practice of land surveying. The required experience may be achieved concurrently with the education requirement; or

4. Has 11,000 hours of experience under the direct supervision of a professional land surveyor in the active practice of land surveying and has obtained Level IV Survey Technician Certification established by the National Society of Professional Surveyors — American Congress on Surveying and Mapping or similar certification acceptable to the Board.

b. Applying for licensure as a professional land surveyor has served as a surveyor intern with a specific record of 8,000 hours, as said intern, of combined office and field experience in responsible charge of land

HR : RDS : AFJ : 0801520056 Released: 06/30/2023 09:07 PM
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surveying projects performed under the direct supervision of a professional land surveyor in the active practice of land surveying.

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

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

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

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

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

(6) Does not have a criminal conviction record, nor pending criminal charge for an offense that is substantially related to the practice of land surveying. Applicants who have criminal conviction records or pending criminal charges that are not excluded from consideration under § 8735(x)(4) of Title 29 shall request appropriate authorities to provide information about the record or charge directly to the Board. However, after a hearing or review of documentation and consideration of the factors set forth in § 8735(x)(3) of Title 29, the Board, by an affirmative vote of a majority of the quorum, shall waive this paragraph (a)(6), if it finds that granting the waiver will not create an unreasonable risk to public safety.

a.-d. [Repealed.]

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

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

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

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

§ 2723. Entry upon adjacent land.

After making a good faith effort to notify adjacent landowner(s), a professional land surveyor and persons working under the surveyor's direct supervision shall not be liable for civil or criminal trespass for knowingly entering upon adjacent land in the course of preparing a survey.