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PLAIN LANGUAGE PAMPHLET
OF THE IMPORTANT LAWS AND THE BOARD RULES REGULATING
THE PRACTICE OF PROFESSIONAL LAND SURVEYING IN CALIFORNIA

PREFACE

This pamphlet summarizes important laws and rules affecting professional land surveyors. Should you have questions, the Professional Land Surveyors Act (PLSA), California Business and Professions Code (Bus. & Prof. Code) Sections 8700-8806 and the Board Rules, Title 16 California Code of Regulations (Cal. Code Regs.) Sections 400-474.5, will govern. Additional copies of this pamphlet can be obtained from the Board office for a cost of five (\$5) dollars each.

Section 8741.1 of the Professional Land Surveyors Act (PLSA) requires that the Board provide applicants for the examination for professional land surveyor a "plain language pamphlet describing the important laws and the Board's rules and regulations regulating the practice of land surveying". The Board has prepared this pamphlet for examination applicants and others interested in land surveying practice in California.

This pamphlet summarizes selected legal material for examination candidates, but is not rendering legal advice. Those using this plain language pamphlet should research the original sources of authority. If legal advice is being sought regarding a specific issue, the user should consult with a knowledgeable professional. Legal principles change as statutes are enacted, amended, repealed, and as court decisions interpret the law. This published summary is current to January 1, 1999. References to legal authority are provided throughout the pamphlet. A guide to the abbreviations used with regard to statute and regulations cited is provided on page 27.

Since this pamphlet is written in "plain language" users are encouraged to consult the identified source material at the conclusion of each topic for a complete understanding of the laws and rules affecting professional land surveyors. See page 27 for a list of abbreviations and references to selected important laws pertaining to the practice of professional land surveying.

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SECTION 1 LAND SURVEYING IN CALIFORNIA

In 1891, the State of California was the first state to license Professional Land Surveyors. The California Surveyor General's duties were established by the California Legislature in 1850. From 1891 until 1929, the Surveyor General was responsible for the administration of An Act to Define the Duties of and to License Professional Land Surveyors. The Board of Registration for Professional Engineers and Land Surveyors administers the current version of the PLSA defining the scope of practice and license requirements for professional land surveyors. The PLSA is revised periodically by the legislature to ensure the protection of the public health, safety and welfare and to reflect changes in technological advancements and licensure requirements based on economic, social, and political conditions.

Throughout this pamphlet, the terms "professional land surveyor" or "person authorized to practice land surveying by the statute" means either: a) appropriately licensed/registered, or b) exempt from the license/registration requirement.

Why Land Surveying is Regulated

The State of California licenses individuals who perform land surveying services in order to safeguard property rights in land and to protect the public welfare.
(Bus. & Prof. Code § 8708)

Land Surveying Defined

The PLSA provides that it is unlawful for any person, unless authorized by the statute, to perform or approve by independent control and direction the following land surveying activities:

The establishment, reestablishment, location, relocation, retracement, or alignment of any property line or boundary of any parcel of land, right-of-way, or easement.

The determination of the information shown or to be shown within the description of the limit of real property in any deed, trust deed, or other title document, in connection with any one or more of the functions described in Section 8726(a)-(f).

The determination or delineation of land surveying information on any map or document, in connection with any of the functions described in Section 8726 (a)-(f).

The creation, preparation, or modification of electronic or computerized data in the performance of the activities described in Section 8726 (a)-(f), (k) and (l).

Surveys for the subdivision or re-subdivision of any tract or land.

The determination of a position for any monument or reference point which marks a property line, corner or boundary.

Geodetic, photogrammetric, or cadastral surveying.

The preparation of topographic maps.

The determination of the configuration, contours, or position of fixed objects on the earth's surface.

The location, relocation, establishment, reestablishment of retracement of the alignment or elevation for any of the fixed works embraced within the practice of civil engineering.

The offering of civil engineering services incidental to land surveying services.

A Professional Land Surveyor cannot perform or approve civil engineering activities, although Section 8726.1 describes circumstances under which an offer to procure civil engineering services may be made by a Professional Land Surveyor.

(Bus. & Prof. Code § 8703, 8726, 8726.1, 8731, 8775.1)

Exclusions from Land Surveying Activities

Land surveying does not include the following activities:

Surveys made exclusively for geological or landscaping purposes, which do not involve the determination of any property line.

The design, either in whole or in part, of any structure or fixed work embraced within the practice of civil engineering.

(Bus. & Prof. Code § 8727, 8728)

Surveying Not Regulated By the PLSA

The following surveying activities are not regulated by the PLSA:

Providing assistance in making a sale or division of property.

(Code Civ. Proc. § 873.010 - 873.080)

Appraisal and valuation of land.

Property management.

Surveying, mapping, and computing in connection with the leveling of agricultural crop land, only if trigonometry is not used.

Who Can Practice Land Surveying

Individuals appropriately licensed/registered by the Board or exempt from licensing may practice land surveying.

The California Board of Registration for Professional Engineers and Professional Land Surveyors publishes a directory (roster) of professional engineers and professional land surveyors authorized to practice land surveying. The roster is a public record, filed with (a) the Secretary of State and (b) the Secretary of States Office and is available to the general public for a charge.

A Land Surveyor-in-Training is a subordinate and is not authorized to practice or offer to practice land surveying.

(Bus. & Prof. Code § 8705, 8712, 8731, 8747)

Protected Titles

The following titles are protected by statute and can only be used by persons authorized to practice under the PLSA: Professional Land Surveyor, Licensed Land Surveyor, Land Surveyor, Photogrammetrist, Photogrammetric Surveyor, Professional Engineer in Land Surveying, Land Survey Engineer, Survey Engineer, Geodetic Engineer, Geometric Engineer.

The title Land Surveyor-in-Training can only be used by the holder of a valid Land Surveyor-in-Training certificate. (Bus. & Prof. Code § 8708, 8747, 8751, 8775)

Exemptions from Licensing

It is unlawful to perform land surveying activities without obtaining a license from the Board except for those individuals performing land surveying activities in the following situations:

An individual who has a legal interest in the land.

An employee of any department or agency of the state or any city, county, or city and county who is in responsible charge of land surveying work on or before January 1, 1986, until such time that person is replaced.

An exempt civil engineer and a civil engineer registered prior to January 1, 1982. A civil engineer that is registered after January 1, 1982 may practice only "engineering surveying" as defined in Section 8726 (a) and (b).

Officers and employees of the United States of America acting in that capacity except when surveying the exterior boundaries of federal lands in California.

The preparation of a legal description of an easement for utility distribution lines and service facilities when it is prepared by any officer or employee of an electric, gas, or telephone corporation as defined in Sections 218, 222, and 234, respectively, of the Public Utilities Code, with annual revenues of twenty-five million dollars (\$25,000,000) or more, subject to specified conditions.

(Bus. & Prof. Code § 8725, 8726, 8730, 8731)

Subordinates

A subordinate is any person who does not assume responsible charge of work by independent control and direction, but assists and is directly supervised by a person authorized to practice land surveying.

(Bus. & Prof. Code § 8705, 8730)

Partnerships and Corporations

A professional land surveyor, or a civil engineer registered prior to January 1, 1982, may practice land surveying as a business by forming a partnership, firm, or corporation. All maps, plats, reports, descriptions, or other documents prepared by a firm must be prepared under the direction of and approved by a person authorized to practice land surveying.

(Bus. & Prof. Code § 8729)

Surveyors Offer To Practice

A person authorized to practice land surveying who is in responsible charge of land surveying activities must be physically present or through the use of communication devices be available in a reasonable period of time for the purpose of controlling or directing the land surveying work performed by subordinates under his direction. The requirement for the control and direction of land surveying work to be performed by a person authorized to practice land surveying also applies to a branch office of a firm which offers to practice land surveying in more than one location. See also Section 8703 regarding "Responsible Charge".

(Cal. Code Regs. § 404.2, Bus. & Prof. Code § 8729)

Penalty for Unauthorized Land Surveying

Every person is guilty of a misdemeanor who violates provisions of the Professional Land Surveyors Act.

It is the duty of the Board of Registration for Professional Engineers and Professional Land Surveyors and the respective officers charged with the enforcement of laws to prosecute all persons who perform land surveying activities without statutory authority.

(Bus. & Prof. Code § 8729, 8790, 8791, 8792)(Cal. Code Regs. § 472-473.4)

SECTION 2
RIGHTS, DUTIES, AND LIABILITIES OF PROFESSIONAL LAND SURVEYORS

RIGHTS

Administration of Oaths

A professional land surveyor may administer and certify oaths of subordinates and others when taking testimony concerning old, lost, or obliterated monuments and corners. A record of the oath shall be preserved as a part of the field notes of the survey and a memorandum of them shall be made on the record of the survey.
(Bus. & Prof. Code § 8760)

Authority to Contract

It is unlawful for any person to enter into a verbal or written contract to perform or approve land surveying activities unless the person holds a valid current license under the PLSA authorizing the practice of land surveying.
(Bus. & Prof. Code § 8725, 8726)

Public Contracts

The State of California and any political subdivision of the state must adopt regulations regarding the negotiation of contracts for professional land surveying services on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the required services at compensation determined to be fair and reasonable to the state or political subdivision of the state. Projects of a technical nature that involve little professional judgment may be bid.

Agency heads requiring professional land surveying services shall make a statewide announcement of the need for those services through publications of the respective professional societies and shall implement procedures which will assure maximum participation of small business firms.
(Gov. Code § 4525 et. seq.)

Recovery of Compensation

In general, a professional land surveyor's right to recover compensation for work performed is determined by the scope of services to be performed and the terms and conditions in the last contract that was accepted by the client and/or surveyor. If a contract does not expressly provide for the amount of compensation, the professional land surveyor is entitled to receive, and the client is obligated to pay, the reasonable value of the services performed.

Client Breach of Contract

A professional land surveyor can bring a lawsuit on a verbal contract or obligation within two (2) years.

A professional land surveyor can bring a lawsuit on a written contract or obligation within four (4) years.
(Code Civ. Proc. § 337)

Lien Right

A professional land surveyor is entitled to place a lien on property to secure any claim for compensation for bestowing skill or other necessary services pursuant to a written contract with a landowner or furnishing materials to a work of improvement. (Certain exclusions apply)
(Civ. Code § 3110, 3081.1-3081.10)

Certifications

When a professional land surveyor uses the term "certify" or "certification", a warranty or guarantee, either express or implied, cannot be inferred. The terms only constitute an expression of professional opinion.
(Bus. & Prof. Code § 8770.6)

Right of Entry to Perform Surveys

Professional land surveyors and their subordinates have a right to enter private or public real property, except the access-controlled portions of freeways, to perform surveys. The owner or tenant who owns or is in control of the property should be notified of the proposed time of entry where practicable and the person in possession has a duty to provide reasonable access without undue delay.

Additional right of entry exists related to condemnation (eminent domain) surveys.
(See Trespass for Liability for Damage to Real Property).
(Bus. & Prof. Code § 8774, Code Civ. Proc. § 742, 1245.010-.070, Civ. Code § 846.5)

Permissive Records of Survey

A person authorized to practice land surveying may submit to a county surveyor for filing, a record of survey that is not mandated by the Act.
(Bus. & Prof. Code § 8762)

Disputed Records of Survey

A county surveyor cannot require a professional land surveyor to change the methods or procedures used or require a field survey to verify the data shown on the record of survey.

If matters appearing on a record of survey cannot be agreed upon by the professional land surveyor and county surveyor, then the professional land surveyor shall resubmit the record of survey within sixty (60) days, or within the time mutually agreed upon by the professional land surveyor and county surveyor, to the county surveyor and request that the map be recorded without further change. The professional land surveyor and the county surveyor shall each include a notation regarding the differences of opinion, and provide a sufficiently specific explanation to identify the factual basis for the difference, relative to the survey shown upon the record of survey, or the methods or procedures used in performing the survey. The professional land surveyor and county surveyor shall attempt to reach agreement regarding the language for the explanation of differences. If the record of survey resubmitted by the professional land surveyor is not presented by the county surveyor to the county recorder for filing within ten (10) days from the date of resubmittal, the professional land surveyor may bring an action under Section 1085 of the Code of Civil Procedure to compel the filing of the record of survey with the county recorder. The prevailing party may be awarded costs, other expenses of litigation, and reasonable attorney's fees relative to the action.
(Bus. & Prof. Code § 8766, 8768, 8768.5, Code Civ. Proc. § 1085)

Corrected or Amended Records of Survey

A filed record of survey may be amended or corrected in the same manner as a subdivision map under the provisions of the Subdivision Map Act, commencing with Section 66410 of the Government Code .
(Bus. & Prof. Code § 8770.5)(Gov. Code § 66469-66472)

Attorney Certificate

Before an attorney can file a complaint against a professional land surveyor for professional negligence a certificate shall be executed declaring one of the following:

There is reasonable and meritorious cause for the action based on a review of the facts and a consultation with at least one person licensed to practice in the same discipline as the defendant, who is knowledgeable in the relevant issues.

After three separate good faith attempts, three separate persons authorized to practice land surveying contacted would not agree to a consultation regarding the action.

A statute of limitations will impair the action.

When an attorney intends to rely solely on the doctrine of "res ipsa loquitur" or the failure to inform of the consequences of a procedure, a certificate is not required.
(Code Civ. Proc. § 411.35)(Evid. Code §646)

Frivolous Complaint

Within thirty (30) days after service of summons in an action of error, omission, or professional negligence a professional land surveyor may petition the court for an undertaking by the plaintiff as security for the costs of defense. (Certain exceptions exist.) The petition must include an affidavit by the professional land surveyor stating that the claim is "frivolous." The security for the defense is limited to five hundred (\$500) dollars.
(Code Civ. Proc. § 1029.5)

Limitations on Actions

A professional land surveyor cannot be sued for damages after the following time limits:

Patent Defect: Four (4) years if a patent deficiency is one, which can be, discovered by reasonable inspection, which would be made in exercise of ordinary care and prudence.
(Code Civ. Proc. § 337.1)

Latent Defect: Ten (10) years if the deficiency is not apparent by reasonable inspection.
(Code Civ. Proc. § 337.15)

NOTE: There is no statutory protection for a professional land surveyor if a deficiency is based on willful misconduct or concealment.
(Code Civ. Proc. § 337.15)

Changed Surveying Documents

A professional land surveyor who does not authorize or approve subsequent changes to or uses of maps, plats, descriptions, reports or other surveying documents shall not be responsible for any damage caused by subsequent changes unless the signed document was a proximate cause of the damage.

(Bus. & Prof. Code § 8761.2)

Delinquent License

A professional land surveyor's delinquent license may be renewed within three (3) years of expiration by filing an application for renewal on a form prescribed by the Board, paying all accrued and unpaid renewal fees, a renewal fee of one hundred and fifty (\$150) dollars, and a delinquency fee of not more than fifty (50) percent of the renewal fee in effect on the date of reinstatement.

(Bus. & Prof. Code § 8802, 8805, Cal. Code Regs. § 407)

DUTIES

Competence

A professional land surveyor shall practice and perform land surveying work only in the field or fields in which she/he is by education and/or experience fully competent and proficient.

(Cal. Code Regs. § 415)

Responsible Charge

The Board of Registration for Professional Engineers and Professional Land Surveyors has adopted a definition for the term "responsible charge". The term directly relates to the span or degree of control a licensed professional land surveyor is required to maintain while exercising independent control and direction of land surveying work, and the land surveying decisions which can be made only by a licensed professional land surveyor. Responsible charge does not refer to management, hierarchy, or financial liability. In making land surveying decisions, the professional land surveyor must be physically present or through the use of communication devices be available in a reasonable period of time. Land surveying decisions must be made by and are the responsibility of the professional land surveyor in responsible charge of those decisions concerning permanent or temporary work which would create a hazard to life, health, property or public welfare.

(Cal. Code Regs. § 404.2, Bus. & Prof. Code § 8703)

Signature and Seal

A professional land surveyor must sign and seal or stamp all maps, plats, reports, and descriptions that are prepared or approved. The expiration date of the license must also be indicated. The required signature, seal, and date must appear on the original map or plat and on the title page of descriptions, documents, and reports. The seal may be either a rubber stamp or an embossing type of a design that has been approved by the Board.

(Cal. Code Regs. § 411, Bus. & Prof. Code § 8750, 8761)

Monuments and Points

When making a field survey, professional land surveyors are required to set a sufficient number of durable monuments to insure the perpetuation and easy recovery of any point or line of the survey.

Every monument set to mark or reference a point on a property or land line by a professional land surveyor is required to be permanently and visibly marked or tagged with the license number of the professional land surveyor or the name of the public agency.
(Bus. & Prof. Code § 8771, 8772)

Monument Preservation

When roads, streets or highways are improved, constructed, reconstructed or relocated, the location of subdivision, tract, road, street, highways, other rights of way, or easements, or survey control monuments shall be referenced by an individual authorized to practice land surveying or civil engineering and reset in the surface of the new construction, or permanent witness monuments set. Corner records or Records of Surveys shall be filed showing and delineating the reference monument locations relative to the monuments to be removed or destroyed in order to perpetuate their locations. It is the responsibility of the governmental agency or others performing construction work to provide for the monumentation. It is the duty of every professional land surveyor or registered civil engineer to cooperate with the governmental agency in the preservation of monuments and records of their locations. The decision to file either a Corner Record or Record of Survey shall be at the election of the professional land surveyor submitting the document.

(Bus. & Prof. Code § 8771, Sts. & Hy. Code § 732.5, 1492.5, 1810.5)

Corner Records

When a corner established by the survey of the public lands of the United States is used, the professional land surveyor shall file a corner record with the county surveyor in the county where the corner is located. When a record is to be filed, the professional land surveyor shall reconstruct or rehabilitate the monument and accessories to a reasonably permanent physical condition.

A corner record is not required when a record of survey, parcel or final map including proper notations relative to the corner will be filed or the corner is found as described on an existing "corner record." A lost corner shall be reestablished and shown on a record of survey.

Any person authorized to practice land surveying may file a corner record for any other corner or reference point to a property corner if a record of survey is not required to be filed.

The Board has established the corner record form to be used and set the time limits within which the form shall be filed.

(Cal. Code Regs. § 464, Bus. & Prof. Code § 8765, 8773, 8773.1, 8773.2, 8773.3, 8773.4)

Records of Survey

Every survey relating to land boundaries or property lines by a professional land surveyor using existing township plats or notes, subdivision maps, official maps, or records of survey that discloses any one of the following must be documented by a record of survey:

Material discrepancies with the data contained on a map of record concerning the position of points, lines, or dimensions.

Evidence that might result in materially alternate positions for property lines or points.

The establishment of the location for a points or lines not ascertainable from an inspection of the data shown on a map of record.

Material evidence, or physical change is found which does not appear on the existing maps or notes.

A point or line set or established on the ground for a parcel described in a property description contained in any deed or other instrument of title that is not shown on a map of record.

Exemptions to the requirement to file a record of survey are identified at Section 8765 of the PLSA.

The map size, content and required statements are identified at Sections 8763, 8764, and 8764.5 of the PLSA.

No other statements may appear on the face of the map except those required or authorized by the PLSA.

A record of survey shall be filed with the county surveyor within ninety (90) days after the completion of the survey or the setting of boundary monuments. The professional land surveyor or registered civil engineer shall notify the county surveyor by letter if reasons beyond the surveyor's control will prevent filing within the ninety- (90) day time limit. The letter shall include the reason for delay, and estimate of the date of filing, and the assessor's parcel number.

The professional land surveyor or registered civil engineer shall provide information requested by the county surveyor without unreasonable delay when others are performing other surveys in the same location.

A professional land surveyor or registered civil engineer shall resubmit a record of survey previously examined by the county surveyor within sixty (60) days, or within the time mutually agreed upon by the professional land surveyor and county surveyor, to the county surveyor. The record of survey must address the items contained in the written statement by the county surveyor that accompanied the examined map noting the changes necessary to make the map conform to the requirements of Section 8766. The professional land surveyor and county surveyor shall attempt to reach agreement regarding the language for the explanation of the differences. Notations by the professional land surveyor and county surveyor shall be added to the record of survey to explain any differences of opinion, and shall be sufficiently specific to identify the factual basis of the difference. A county surveyor shall file a resubmitted record of survey when a professional land surveyor or registered civil engineer requests filing without further change.

Subsequent to the filing of a record of survey, amended record of survey, or certificate of correction, the professional land surveyor who prepared the document shall transmit a copy of the document, including all recording information, to the county surveyor for indexing purposes.

A record of survey shall not be used to divide land into additional parcels unless it is accompanied by a certificate by the appropriate jurisdiction that the land division is in compliance with the provisions of the Subdivision Map Act, Division 2 (Commencing with Section 66410) of Title 7 of the Government Code and any applicable local ordinances enacted pursuant thereto.

The Board, within its power to administer the PLSA, may establish regulations for the preparation, review, and filing of records of survey.

(Cal. Code Regs. § 465, Bus. & Prof. Code § 8710, 8762, 8762.5, 8768, 8774.5)

Safety

A professional land surveyor or registered civil engineer is subject to the regulations of the California Occupational and Health Administration.

Advertising

Any offer, promotion, or advertisement using a professional land surveyor's name, other than the name of the individual in the business name must clearly and specifically designate that the individual is a licensed professional land surveyor.

(Bus. & Prof. 8729)

Business License

The professional land surveyor is subject to business license provision of cities, counties or other jurisdictions in which he or she practices.

Change of Address

Every professional land surveyor and professional land surveyor-in-training must notify the Board in writing of a change of address within thirty (30) days.

(Cal. Code Regs. § 412)

Principal in a Firm

A professional land surveyor, photogrammetric surveyor or registered civil engineer that practices as a partner, member, or officer of a partnership, firm or corporation shall advise the Board on an approved form within thirty (30) days of any association or termination of association.

(Cal. Code Regs. § 463)

License Renewal

Every two (2) years, a professional land surveyor must pay a one hundred and fifty (\$150) dollar renewal fee, and submit an application for renewal on a form provided by the Board prior to the date the license expires. A suspended license must be renewed by the date of expiration.

(Cal. Code Regs. § 407, Bus. & Prof. Code § 8801, 8802)

Suspended License

A professional land surveyor shall not perform or approve land surveying activities while a license is suspended or revoked.

(Bus. & Prof. Code § 8802.1)

LIABILITIES

Breach of Contract

A client is entitled to bring a lawsuit upon a oral contract or obligation within two (2) years.

A client is entitled to bring a lawsuit upon a written contract or obligation within four (4) years.
(Code Civ. Proc. § 337, 339) (See Code Civ. Proc. § 337.1, 337.15 regarding patent and latent defects)

Negligence

A professional land surveyor is responsible to clients for an injury resulting from an absence of ordinary care or skill. It is generally held that a professional land surveyor, due to special skill and ability, must exercise the same standard of care and competence as other professional land surveyors. A professional land surveyor should anticipate that a person other than a client might use and rely on a survey. A professional land surveyor can be found liable to the third party for negligently performing a survey.

Incompetence

Incompetence is generally a lack of knowledge or ability in discharging professional obligations.

Fraud

A professional land surveyor or registered civil engineer can be liable to a client for any misrepresentation, concealment, or nondisclosure of a material fact.

Trespass

A professional land surveyor or registered civil engineer is liable for damage that is a result of entry on private or public property.

(Code Civ. Proc. § 743)

Disciplinary Proceedings

The Board may suspend a license for up to two (2) years or revoke a license when it finds a professional land surveyor or registered civil engineer guilty of:

Fraud, or deceit in obtaining a license.

Breaching a contract with a client.

Fraud, deceit, negligence, or incompetence while performing land surveying services.

Assisting another person to violate any of the provisions of the PLSA.

Violating any law relating to or involving the practice of land surveying.

Pleading "nolo contendere" in a suit related to land surveying.

There are no statute of limitations for Board discipline. Disciplinary proceedings will be conducted in accordance with requirements of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.
(Bus. & Prof. Code § 8780, 8781, 8783)

Clients and Employers

The Board can require a professional land surveyor or registered civil engineer to notify all clients and employers of the findings and discipline imposed by the Board.
(Cal. Code Regs. § 419)

Suspension or Revocation

The Board will consider criteria specified in Board Rule 418 in evaluating the degree of rehabilitation by the professional land surveyor or registered civil engineer prior to determining the eligibility to retain a license.
(Cal. Code Regs. § 418)

Citations and Fines

The executive officer of the Board is authorized to issue citations containing orders of abatement or administrative fines pursuant to Bus. & Prof. Code Sections 125.9, 148 and 149, against licensed professional land surveyors or registered civil engineers who have committed any acts or omissions where the licensee or registrant has violated the applicable licensing act or regulation adopted pursuant thereto or any unlicensed or unregistered persons acting in the capacity of or engaging in the practice of a professional land surveyor.
(Cal. Code Regs. § 472-473.4)

SECTION 3 SURVEYING PRACTICE

Descriptions of Real Property

The establishment or reestablishment of any property line or boundary of any parcel of land, right-of-way, or easement is a **land surveying activity** that is regulated by the PLSA. The description portion of the limit of real property in any deed, trust deed, or other title document must be approved by an individual authorized to practice land surveying.

(Bus. & Prof. Code § 8726)

A conveyance is an instrument in writing that affects the title to an interest or estate in real property. A fee simple title is presumed to be intended to pass by a grant of real property, unless it appears from the grant that a lesser estate was intended. A grant of an interest or estate in real property should include a statement of the bounds, and a description. Descriptions of real property are generally sufficient if the intended parcel can be identified with reasonable certainty. Uncertainty of location can be resolved by extrinsic evidence.

(Civ. Code § 1091, 1092, 1105, and 1215)

Any instrument or judgment affecting the title to or possession of real property may be recorded. An unrecorded instrument is valid between the parties thereto and those who have notice thereof. Every grant of an estate in real property is conclusive against the grantor, except a purchaser who in good faith and for a valuable consideration, acquires a title by an instrument that is first duly recorded.

(Gov. Code § 27280, Civ. Code § 1107, 1217)

An instrument is deemed to be recorded when it is, duly acknowledged or proved and certified, deposited in the recorder's office with the proper officer, for record. Individuals authorized to acknowledge an instrument are identified in the Civil Code. The instrument must be recorded in the county in which the real property is located.

(Civ. Code § 1169, 1170, 1180, and 1181)

The recording of a conveyance of real property is constructive notice to subsequent purchasers and mortgagees. Constructive notice is imputed by law and includes circumstances that would put a prudent person on inquiry concerning the actual facts.

(Civ. Code § 1213, 1218, and 1219)

Descriptions of real property in a common interest development are regulated by the Civil Code.

(Civ. Code § 1315-1354)

When California Coordinate System coordinates are used for property identification, record data shall be sufficient to identify the property without recourse to the coordinates. In case of conflict the record data shall control for the purpose of determining constructive notice under the recording laws.

(Pub. Resources Code § 8814)

Title insurance companies are typically concerned that descriptions identify the same land in successive instruments in a chain of title. County assessors are typically concerned that descriptions identify the land for taxation purposes in connection with any of the functions described in 8726(a)-(f).

Legal Descriptions

The following types of "legal descriptions" are sufficient for description purposes:
Government survey with its acreage, if surveyed under the authority of the United States.

Spanish Grant and the acreage claimed.

City lot according to the system of numbering in the city.

Parcel number or letter shown on an Official Map.

Clearly identified land on an unofficial map filed with the assessor or the board of supervisors.

Parcel number or letter shown on a complete and accurate map of any land in the county that is possessed by a county officer. A deed or conveyance cannot describe land by reference to this map unless the map is filed for record with the county recorder.

(Rev. & Tax. Code § 457, 458, 459, 459.5)

At the request of the county assessor, the board of supervisors may authorize the assessor to prepare maps and block-books necessary for the assessor to meet the requirements of the State Board of Equalization. The authority is in addition to the duty imposed on the county surveyor.

(Rev. & Tax. Code § 1256, Gov. Code § 27557)

Official Maps

A city council or board of supervisors may adopt and have filed for record an Official Map prepared by "competent engineers and surveyors". A description of land in any conveyance can be described by reference to the lot and block designated on the Official Map.

(Gov. Code § 66499.50-66499.58)

Boundaries

Every person who maliciously removes, defaces, or alters a tree or monument erected for the purpose of designating any point in the boundary of any lot or tract of land is guilty of a misdemeanor.

(Pen. Code § 605)

Any person, who willfully injures, defaces, breaks down or removes any stake or monument placed, erected or used to designate any point in the boundary or survey of any state highway is guilty of a misdemeanor.

(Sts. & Hy. Code § 732)

Coterminous owners are mutually bound to equally maintain the boundaries and monuments between them.

(Civ. Code § 841)

The owner of private right-of-way easements must maintain it in repair.

(Civ. Code § 845)

Trees that stand partly on the land of two or more coterminous owners belong to them in common.

(Civ. Code § 834)

The removal or injury to trees or underwood upon the land of another is a trespass. The damages shall be the actual detriment incurred if the defendant procured the survey and the boundary, even if improperly fixed, was located by a person authorized to practice land surveying.

(Civ. Code § 334)

Each coterminous owner is entitled to lateral and subjacent support and shall give reasonable notice to the adjoining owner prior to excavating.
(Civ. Code § 832)

Article 4 of the Civil Code identifies several statutes concerned with the interpretation of grants.
(Civ. Code § 1066-1073)

The description of property in a grant by a private individual is interpreted in favor of the grantee, except a reservation is interpreted in favor of the grantor. Every grant by a public officer or body to a private party is interpreted in favor of the grantor.
(Civ. Code § 1069)

When the descriptive portion of a conveyance is doubtful and there is no extrinsic evidence to determine the location, the following rules should be followed:

Certain definitive and ascertained particulars in a description prevail over additional particulars, which are indefinite, unknown, or false.

Permanent and visible or ascertained boundaries or monuments are paramount to lines, angles, or surfaces.

Lines are paramount to angles.

Angles are paramount to surfaces.

A map reference is subordinate to other definite and ascertained particulars absent reliance on the map.

A map reference controls over inconsistent particulars when it appears that the parties acted with references to the map.
(Code Civ. Proc. § 2077)

Earth Movement

Chapter 3.6 of the Civil Code of Procedure (Cullen Earthquake Act) provides for an action "in rem" to equitably reestablish boundaries and to quiet title to land that has been disturbed by slides, subsidence, lateral or vertical displacement, or similar disasters. The disasters can be caused by man, or an act of God.
(Code Civ. Proc. § 751.50-751.65)

Lot Line Adjustments

A local agency or advisory agency may review and approve a lot line adjustment that does not create a greater number of parcels between two or more existing adjacent parcels. The adjusted lot line shall be reflected in a recorded deed. A record of survey shall be filed for recordation if monuments are set to mark the adjusted property (lot) line or if a field survey is performed to set or establish the former and/or adjusted property (lot) lines or corners of the parcels subject to the lot line adjustment.
(Gov. Code § 66412, Bus. & Prof. Code § 8762)

Agreement of Acquiescence

When the location of a boundary is uncertain, the owners of contiguous lands may agree verbally, in writing, or by action on a boundary and the agreed line becomes the true boundary regardless of subsequent measurements. Acquiescence to the agreed line for five (5) years or for a lesser period, if under the particular circumstances of the case, a substantial loss would be caused by a change of its position.

(Civ. Code § 318)

Estoppel

A grantor will be estopped to show a true line when the grantee relied on the grantor's representation.

(Civ. Code § 1069)

Judicial Determination of Boundaries or Titles

An owner of land may bring an action to quiet title to a boundary line. An owner may bring an action to establish title against adverse claims to real property.

(Code Civ. Proc. § 760.020)

Title Insurance

The PLSA regulating land surveying does not include the activities of abstractors or title insurers. The activities of abstractors are not regulated by the State of California. The activities of a title insurer are regulated by Division 2, Part 6 of the Insurance Code.

The extent of the title insurance policy's coverage of two boundary problems depends upon the terms of the policy. There are two standard policies utilized in California, the CLTA standard form, which excludes most boundary/encroachment problems from coverage, and the ALTA Extended Coverage form, which has a broader coverage of the problems.

An abstract of title lists all recorded conveyances, instruments or documents that, under the laws of California, impart constructive notice with respect to the chain of title to the real party. Title insurance means insuring, guaranteeing or indemnifying against loss or damage suffered by reason of:

Liens or encumbrances on, or defects in the title to said property.

Invalidity or un-enforceability of any liens or encumbrances thereon.

Incorrectness of searches relating to the title to real or personal property.

(Ins. Code § 12340.1)

Division of Land

When a final map or parcel map is required by statute or local ordinance, it is unlawful for anyone to convey any part of a division of real property by any designation until a map has been filed for record with the county recorder. A notice of violation, conditional certificate of compliance, and a certificate of compliance are identified by statute. (Gov. Code § 66499.30, 66499.35, 66499.36)

A record of survey cannot show a division of land that is not shown on the latest adopted county assessment roll unless it is accompanied by a certificate by the appropriate jurisdiction that the land division is in compliance with the provisions of the Subdivision Map Act, Division 2 (Commencing with Section 66410) of Title 7 of the

Government Code and any applicable local ordinance enacted pursuant thereto.
(Bus. & Prof. Code § 8762.5)(Also see Gov. Code § 66428, Parcel Map Waivers)

The legislative body of cities and counties are required by the state to adopt ordinances regulating and controlling the design and improvement of divisions of land. The survey, mapping, design, and improvement requirements are defined by statute and local agencies may adopt provisions that bear a reasonable relation to the statute purposes and requirements.

(Gov. Code § 66411 et. seq.)

The form and content of a final map are defined by statute and must be based on a survey.

(Gov. Code § 66434)

The professional land surveyor must make a statement on the map that includes the date of the survey, indicates the responsibility for the survey and map, and provides for sufficient monuments to retrace the survey.

(Gov. Code § 66441)

The form and content of a parcel map is defined by statute. If a field survey was performed, the map shall contain a statement concerning the character and position of all monuments.

(Gov. Code § 66445, 66449)

The grounds for approval and denial of a division of land are identified by statute.

(Gov. Code § 66473.5, 66474)

Maps and Plats

The application of the principles of trigonometry to the determination of the configuration or contour or the location of fixed objects on the earth's surface can only be performed under the direction of individuals authorized to practice land surveying, photogrammetric surveying, or civil engineering.

The Streets and Highways Code identifies maps for proposed assessment districts. The maps are filed for record and can be used for the description of real property instead of using the record description.

Maps, plats and other documents prepared pursuant to the practice of land surveying in electronic or computerized format such as Land Information Systems (LIS) and Geographic Information Systems (GIS) can only be performed under the direction of individuals authorized to practice land surveying or photogrammetric surveying.

(Bus. & Prof. Code § 6731.1, 8726, 8775)

Photogrammetry

The application of the principles of Photogrammetry to the determination of the configuration or contour or the location of fixed objects on the earth's surface, germane to Section 8775, can only be performed under the direction of individuals authorized to practice land surveying and consulting engineers authorized to practice photogrammetry.

(Bus. & Prof. Code § 6731.1, 6732.2, 8726, 8775, 8775.1)

Construction Surveys

The location, relocation, establishment or reestablishment or retracement of the alignment or elevation for any fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal

improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structure, buildings, or bridges can only be performed under the direction of individuals authorized to practice land surveying and civil engineering.
(Bus. & Prof. Code § 6731, 8726).

State Plane Coordinates

An optional system of state plane coordinates for defining and stating the positions and locations of points on the surface of the earth has been adopted by the State of California for land surveying or mapping. Prior to January 1, 1995, coordinates may be based on the California Coordinate System of 1927 (CCS27) or the California Coordinate System of 1983 (CCS83). On or after January 1, 1995 only CCS83 coordinates can be used when state plane coordinates are used on new surveys and new mapping projects.
(Pub. Resources Code § 8801-8819)

Any survey or map which is to be based on state plane coordinates shall show established field-measured connections to at least two stations of corresponding accuracy or better whose credentials are based upon published stations of the National Geodetic Survey. A record of survey that includes California Coordinate System (CCS) coordinates must show or must be accompanied by the control scheme through which the coordinates were determined from points of known coordinates.
(Bus. & Prof. Code § 8771.5)

City Surveying and Mapping

The city council may appoint a city engineer, a superintendent of streets, and such other subordinate officers or employees as it deems necessary. The city may provide for public works, sewers, and drains, and is authorized to expend money for activities that are included within the definition of land surveying.

The Health and Safety Code and the Government Code refer to a "city engineer" without identifying the duties of the office or mentioning the need for registration.
(Gov. Code § 36505, 37103, 38900, 39900, 40536)

County Surveyor

On April 9, 1850, the legislature adopted an Act Prescribing the Duties, and Fixing the Compensation of County Surveyors. The surveyor, along with a recorder, an assessor, a road commissioner, and members of the board of supervisors, is an officer of a county. The county surveyor shall be elected in the same manner and for the same term as other county officers unless the board of supervisors provides for the county surveyor to be appointed. An appointed county surveyor shall serve at the will of the board of supervisors.
(Gov. Code § 27550-27564)

In general, the county surveyor must be authorized to practice land surveying and is subject to all provisions of the PLSA. The county surveyor is an ex officio deputy recorder for the purpose of copying each map filed for record and is required to make all county, road, district, and other maps and all assessors block books for the county. A person upon payment of a fee shall be entitled to a copy of county surveys including a fair and accurate plat. All courses shall be expressed according to the true meridian and the variation of the magnetic meridian shall be expressed on the plat.
(Gov. Code § 27550-27564)

The county surveyor is required to re-mark government corners with an iron monument not less than two (2) inches in diameter and not less than two (2) feet long. Monumentation of public highways shall be placed not less than twelve (12) inches below the surface. Metal monuments outside public highways shall project six (6) inches above the surface and be not less than four feet long. Witness objects within a reasonable distance of any corner shall be noted. The Board of supervisors may establish a Survey Monument Preservation Fund for the monumentation of historical land division lines upon which later surveys are based. The office of the county surveyor, as a subdivision of the state, may negotiate contracts to perform preservation surveys.

(Gov. Code § 27580-27585)

The duties of the county surveyor and road commissioner may be consolidated by the board of supervisors. A county may create an office entitled public works director, combining the duties of road commissioner and county surveyor and any other compatible duties not legally required to be performed by provisions by another county officer. Special provisions are authorized for Los Angeles County.

(Gov. Code § 24306, 24307)

When required, the county surveyor shall aid and assist the State Lands Commission, as the successor to the California Surveyor General, in making surveys within the county.

(Gov. Code § 27500 et. seq., Pub. Resources Code § 6101 et. seq.)

The county surveyor shall examine a record of survey within twenty (20) working days of receipt unless additional time is mutually agreed upon and authorized by the professional land surveyor. The county surveyor shall examine the record of survey for compliance with Sections 8762.5, 8763, 8764.5, 8771.5, 8772 and substantial compliance with Section 8764 of the PLSA. The accuracy of mathematical data shall also be examined. The county surveyor may charge an examination fee not to exceed one hundred (\$100) unless authorized by the board of supervisors.

The county surveyor shall present an acceptable record of survey, including the statements required in Section 8764.5, to the county recorder for filing. If the map is determined to be unacceptable, the county surveyor shall return the map with a written statement of the changes necessary to make it conform to the requirements of Section 8766. (See Page 7, Disputed Records of Survey.)

The professional land surveyor may resubmit the map including notes concerning the matters on which a difference of opinion still exists. Within ten (10) working days after resubmittal and a request to file the map, the county surveyor shall note an explanation of the differences on the map and present the map, as a ministerial act, to the county recorder for filing. The county recorder shall file the map.

The county surveyor shall maintain an index of all records of survey, amended records of survey, and certificates of correction transmitted to he or she by a professional land surveyor by geographic location under specified conditions. (Bus. & Prof. Code § 8766, 8766.5, 8767, 8768, 8774.5)

County Recorder

The county recorder shall file records of survey in a suitable book and shall maintain an index by the name of grant, tract, subdivision, or United States Subdivision. Copies of the record of survey should be available to the public and the original shall be produced upon demand. The fee for filing a record of survey shall be the same as recording a subdivision map.

(Bus. & Prof. Code § 8769, 8770)

County Boundaries

The Government Code contains significant information relating to county boundaries. The terms and definitions used for county boundaries are identified at Section 23070 et. seq. of the Government Code. The boundaries of the several counties are set forth at Section 23100 et. seq.

In 1985 the legislature declared that the existing boundaries of some counties no longer meet the needs of their respective residents and landowners. The procedure for minor boundary changes are identified at Section 23200 et. seq. The procedure of alteration of boundaries is identified at Section 23200 et. seq.

The procedure for the creation of new county boundaries is identified at Section 23302 et. seq.

As the successor to the California Surveyor General, whose elected office was abolished in 1929, the State Lands Commission shall survey and mark the boundary lines of counties and cities when required.
(Gov. Code § 23170-23178)

State Boundaries

The eastern boundary line, declaration of boundary of state, inland waters of state, and navigable waters of the state are identified in Section 160, 170, 171, and 172 of the Government Code.

Navigable Waters

The definitions and descriptions of navigable waters and public ways of the state of California are identified in Sections 100-107 of the Harbors and Navigation Code.

(Also see Civ. Code § 830)

State Maps and Surveys

The Department of Water Resources shall adopt a general plan and program to be carried out by the state departments for a state base map which delineates state plane coordinates and consists of complimentary planimetric, mosaic, and topographic maps prepared in units of convenient size and scale. The department shall submit an annual report to the governor and the legislature.

(Pub. Resources Code § 6101, 6102, 6204, 8831-8834)

Patented Lands

A licensed professional land surveyor shall certify the plat or map and field-notes of a survey to correct an incorrectly described patent to lands which were the public lands of the state.

(Pub. Resources Code § 7951)

SECTION 4 LICENSING AND REGULATION OF LAND SURVEYING

The Board

The Board of Registration for Professional Engineers and Professional Land Surveyors (Board) is the successor to the duties of the California Surveyor General concerned with the licensing of professional land surveyors and the regulation of land surveying activities. On May 27, 1929, the legislature abolished the elective office of Surveyor General and transferred all the duties, powers, purposes, responsibilities and jurisdiction to a new Division of State Lands within the Department of Finance. The responsibilities for licensing and regulating professional land surveyors were transferred on May 21, 1933 to the Board of Registration for Civil Engineers that had been established June 14, 1929. The Civil Engineers' Board has evolved through several name changes to the present Board.

Meetings of the Board

The Board normally meets every six- (6) weeks and shall meet for a regular meeting at least two (2) times a year at a time and place designated by the Board president. All meetings will be noticed.
(Cal. Code Regs. § 408)

Licensing of Professional Land Surveyors

The Board for Professional Engineers and Professional Land Surveyors regulates licensed professional land surveyors. The Board is vested with power to administer the provisions and requirements of the Professional Land Surveyor's Act and is authorized to make and enforce rules and regulations reasonably necessary to license professional land surveyors.
(Cal. Code Regs. § 405, Bus. & Prof. Code § 8706, 8710, 8715, 8720, 8740, 8780, 8784, 8790)

Regulation of Land Surveying Activity

All land surveying activities are regulated by the Board for Professional Engineers and Professional Land Surveyors. The Board is vested with power to administer the provisions and requirements of the Professional Land Surveyor's Act and is authorized to make and enforce rules and regulations reasonably necessary to regulate land surveying activities.
(Cal. Code Regs. § 405, Bus. & Prof. Code § 8706, 8710, 8715, 8720, 8780, 8784, 8790)

Professional Land Surveyor

Applicants must pay a fee of two hundred and seventy five (\$275) dollars, must be thoroughly familiar with the procedure and rules governing the survey of public lands, and submit evidence of **one of the following:**

Graduation from a **four-year** land surveying curriculum with a Bachelor of Science degree or equivalent approved by the Board and two (2) years of actual broad based progressive experience, including one (1) year of responsible field training and one (1) year of responsible office training satisfactory to the Board, and possess a professional land surveyor-in-training certificate.

At least **six (6) years** of actual broad **based** progressive experience in land **surveying** **including** one (1) year of responsible **field training** and one (1) year of **responsible office training** satisfactory to the Board, and possess a professional land surveyor-in-training or engineering-in-training certificate.

Registration as a civil engineer with two (2) years of actual broad based progressive experience in land surveying satisfactory to the Board.

Education and experience qualifications will be evaluated by the Board.

Applicants must also submit the names of at least four (4) professional land surveyors or pre-1982 registered civil engineers as references that can certify to the applicant's professional integrity, ability, and fitness to receive a license. (Cal. Code Regs. § 407, 424, 427.10, 438, B&P Code § 8741, 8742, 8743, 8805)

Applications

All applicants shall submit information on the forms prescribed by the Board. The executive officer of the Board shall keep a complete record of all applications for license and the Board's action thereon.

Applicants for licensure as a professional land surveyor shall state that they will support the Constitution of California, the United States, and will faithfully discharge the duties of a licensed professional land surveyor.

An application is filed on the date it is postmarked.

Applicants who abandon their applications will not receive a refund of the fee. Applicants found unqualified for admission to an examination are entitled to a refund of one-half (1/2) of the application fee.

An applicant may appeal the denial of their application.

(Cal. Code Regs. § 418, 420, 422, 428, 429, Bus. & Prof. Code § 8711, 8740, 8744, 8748.5)

Refile Application

A short application form may be used by applicants who file within a reasonable time after failing an examination. (Cal. Code Regs. § 421)

Postponements

The executive officer may grant a postponement, not to exceed two such postponements for each application, to any applicant who for reasonable cause is prevented from appearing for the examination at the time fixed. The request and reason for postponement must be filed with the Board within ten (10) days immediately following the date of the examination.

Examinations

The Board determines the scope, the method of procedure, the times, and the places of the examination.

The examination for professional land surveyor-in-training tests the examinee's knowledge of fundamental surveying, mathematics, and basic science. The Board may waive the examination for applicants whose education and experience qualifications substantially exceed the requirements for license as a professional land surveyor.

The examination for professional land surveyor tests the examinee's ability to apply his or her knowledge and experience in land surveying practice, the procedures and rules governing the survey of public lands as set forth in

"Manual of Surveying Instructions", published by the Bureau of Land Management, Department of the Interior, Washington, D.C., principles of real property relating to boundaries and conveyancing, and to assume responsible charge in the professional practice of land surveying.

The examination also tests the examinee's knowledge of the important laws and the Board's rules and regulations regulating the practice of land surveying in the state. This portion of the examination is based on the information contained in the plain language pamphlet prepared and distributed by the Board as a separate part of the examination for licensure as a professional land surveyor.

The Board may waive written examinations for any person who holds a valid professional land surveyor's license in another state or country when the applicant's qualifications meet the requirements of the PLSA and rules established by the Board.

The Board may provide for individual examinations.

An applicant who is unsuccessful in passing an examination will be notified by mail with the notice of results of the date and the time in which they may attend a review or appeal session. The appeal fee must be received by the Board within twenty-one (21) days from the date of the notice of the results. Applicants who decide to appeal will be required to submit their appeal at the end of the review or appeal session.

An applicant who is no more than 15% below the passing score shall be granted eight (8) hours to review his or her examination, or write an appeal for essay type problems attempted during an examination. Multiple choice type problems shall not be reviewed.

(Cal. Code Regs. § 407(d), 436, 473, 439, 441, 442, 443, 444, 446, 447, Bus. & Prof. Code § 8741, 8745, 8746, 8748)

Issuance of License or Certificate

All applicants who pass an examination prescribed by the Board shall be issued a suitable certificate or license. The license or certificate will be issued in the order in which the applicants qualify.

An un-revoked, unsuspended, and un-expired license, or renewal certificate, issued by the Board, is presumptive evidence in all courts and places that the person named is legally licensed to practice land surveying.

(Bus. & Prof. Code § 8752)

Reissuance of License

The Board may reissue a revoked license for reasons deemed sufficient. The fees for restoring a revoked license are the same as reinstating an expired license.

(Cal. Code Regs. § 418, Bus. & Prof. Code § 8784, 8802.2)

Expired License

After three (3) years of non-renewal, a licensee must take and pass the examination which would be required of a new applicant unless the Board determines that the public interest will be protected without an examination.

(Bus. & Prof. Code § 8803)

Temporary License

The executive officer of the Board may issue a temporary license to practice in California for a period not to exceed

sixty (60) days in any one calendar year to a professional land surveyor from another state. The applicant must meet the following conditions:

The applicant maintains no place of business in the State of California.

The applicant is legally qualified to do land surveying in the state or country where he or she maintains a place of business to do land surveying.

The applicant's practice as a land surveyor in this state does not require more than sixty (60) days in any one calendar year.

The applicant notifies the Board in writing of his or her intention to practice stating the approximate date when he or she intends to commence and the approximate length of time he or she expects to continue.

(Bus. & Prof. Code § 8753)

Duplicate License or Certificate

A lost, destroyed, or mutilated license or certificate will be re-issued upon a written request on a form provided by the Board and the payment of ten (\$10) dollars.

(Cal. Code Regs. § 410)

Technical Advisory Committees

The Board may establish committees of no more than five (5) professional land surveyors to advise and assist the Board in the following:

Review and verify applications.

Evaluate and investigate potential violations of the PLSA.

Review of Board rules, regulations, policies, or procedures.

The committee members receive per diem and expenses and are granted the same immunity as granted to a public employee.

(Bus. & Prof. Code § 8715)

Professional Land Surveyors Review Committees

The Board may establish committees of no fewer than three (3) professional land surveyors to hear all matters assigned by the Board, including, but not limited to, any contested case which is assigned by the Board. The hearing officer who presided at the hearing shall be present during the committee's consideration of the case. A proposed decision shall be transmitted to the Board by the committee.

The committee members receive per diem and expenses and are granted the same immunity as granted to a public employee.

(Bus. & Prof. Code § 8720)

REFERENCES TO LAWS IN PAMPHLET

Bus. & Prof. Code	Business and Professions Code
Civ. Code	Civil Code
Code Civ. Proc.	Code Civil of Procedure
Cal. Code Regs.	California Code of Regulations
Evid. Code	Evidence Code
Gov. Code	Government Code
Harb. & Nav. Code	Harbors and Navigation Code
Ins. Code	Insurance Code
Pen. Code	Penal Code
Prob. Code	Probate Code
Pub. Resources Code	Public Resources Code
Rev. & Tax. Code	Revenue and Taxation Code
Sts. & Hy. Code	Streets and Highways Code