

2024 Regular Session

HOUSE BILL NO. 713

BY REPRESENTATIVE GADBERRY

SURVEYORS: Provides relative to the practice of land surveying and the practice of engineering

1 AN ACT

2 To amend and reenact R.S. 37:682(14) and 711.2(4), (12), and (14) and to enact R.S.
3 37:702(8), relative to the practice of land surveying and the practice of engineering;
4 to provide for the definitions of the practice of land surveying, engineer, and the
5 practice of engineering; to provide for a saving clause; to provide for the practice of
6 geoscience; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:682(14) and 711.2(4), (12), and (14) are hereby amended and
9 reenacted and R.S. 37:702(8) is hereby enacted to read as follows:

10 §682. Definitions

11 The following words and phrases when used in this Chapter shall have the
12 following meaning, unless the context clearly requires otherwise:

13 * * *

14 (14)(a) "Practice of land surveying" ~~include the measuring of areas, land~~
15 ~~surfaces, streams, bodies of water, and swamps for correct determination and~~
16 ~~description, for the establishment, reestablishment, ascertainment, or description of~~
17 ~~land boundaries, corners, divisions, distances, and directions, the plotting and~~
18 ~~monumenting of lands and subdivisions thereof, and mapping and topographical~~
19 ~~work.~~ means providing, or offering to provide, professional services using such

1 sciences as mathematics, geodesy, and photogrammetry, and involving both of the
2 following:

3 (i) The making of geometric measurements and gathering related information
4 pertaining to the physical or legal features of the earth, improvements on the earth,
5 the space above, on, or below the earth, or within bodies of water, whether the
6 making of measurements or the gathering of information for the providing of these
7 services is accomplished by conventional ground measurements, by photography, by
8 Light Detection and Ranging, or LIDAR, by global positioning via satellites, or by
9 a combination of any of these methods.

10 (ii) Providing, utilizing, or developing the same into survey products such
11 as graphics, data, maps, plans, reports, descriptions, or projects.

12 (b) Professional services include acts of consultation, investigation,
13 testimony, evaluation, expert technical testimony, planning, mapping, assembling,
14 and interpreting gathered measurements and information related to one or more of
15 the following:

16 (i) Determining, by measurement, the configuration or contour of the earth's
17 surface or the position of fixed objects thereon.

18 (ii) Determining, by performing geodetic surveys, the size and shape of the
19 earth or the position of any point on the earth.

20 (iii) Locating, relocating, establishing, reestablishing, or retracing property
21 lines or boundaries of any tract of land, road, right-of-way, servitude, or easement.

22 (iv) Making any survey for the division, subdivision, or consolidation of any
23 tract of land.

24 (v) Locating or laying out alignments, positions, or elevations for the
25 construction of fixed works, when the location of the fixed works has a direct
26 relationship to a property boundary.

27 (vi) Determining, by the use of principles of land surveying, the position for
28 any survey monument, boundary and geodetic, or reference point; establishing or
29 replacing any such monument or reference point.

1 certification from the American Society for Photogrammetry and Remote Sensing
2 or an active GIS professional certification from the GIS Certification Institute.

3 (d) The practice of providing Light Detection and Ranging, or LIDAR
4 system, design or services, when performed by a photogrammetrist or a LIDAR
5 professional, when either holds an active mapping scientist-LIDAR certification
6 from the American Society for Photogrammetry and Remote Sensing.

7 (e) The practice of providing Unmanned Aerial System, or UAS, design or
8 services, when performed by a photogrammetrist or a UAS professional, when either
9 holds an active mapping scientist-UAS certification from the American Society for
10 Photogrammetry and Remote Sensing.

11 (f) The practice of geoscience, when performed by a geoscientist holding an
12 active license from the Louisiana Board of Professional Geoscientists.

13 * * *

14 §711.2. Definitions

15 The following words and phrases when used in this Chapter shall have the
16 following meanings, unless the context clearly requires otherwise:

17 * * *

18 (4) "Engineer" or "professional engineer" ~~means an individual who, by~~
19 ~~reason of his special knowledge and ability to apply the mathematical, physical, and~~
20 ~~engineering sciences and the principles and methods of engineering analysis and~~
21 ~~design, acquired by an engineering education and engineering experience, is~~
22 ~~qualified to practice engineering, as evidenced by his licensure as such by the~~
23 ~~Louisiana Professional Engineering and Land Surveying Board, as set forth in~~
24 ~~Chapter 8 of this Title.~~ has the same meaning as provided for in R.S. 37:682.

25 * * *

26 (12)(a) "Practice of engineering" ~~means responsible professional service~~
27 ~~which may include consultation, investigation, evaluation, planning, designing, or~~
28 ~~inspection of construction in connection with any public or private utilities,~~
29 ~~structures, machines, equipment, processes, works, or projects wherein the public~~

1 ~~welfare or the safeguarding of life, health, and property is concerned or involved,~~
2 ~~when such professional service requires the application of engineering principles and~~
3 ~~the interpretation of engineering data.~~

4 ~~(b) A person shall be construed to practice or offer to practice engineering~~
5 ~~who practices in any discipline of the profession of engineering, or who, by verbal~~
6 ~~claim, sign, advertisement, letterhead, card, or in any other way represents himself~~
7 ~~to be a professional engineer, or who represents himself as able to perform, or who~~
8 ~~does perform any engineering service or work or any other professional service~~
9 ~~designated by the practitioner or recognized by educational authorities as~~
10 ~~engineering. The practice of engineering shall not include the work ordinarily~~
11 ~~performed by a person who himself operates or maintains machinery or equipment.~~
12 has the same meaning as provided for in R.S. 37:682.

13 * * *

14 (14)(a) ~~"Practice of land surveying" includes the measuring of areas, land~~
15 ~~surfaces, streams, bodies of water, and swamps for correct determination and~~
16 ~~description, for the establishment, reestablishment, ascertainment, or description of~~
17 ~~land boundaries, corners, divisions, distances, and directions, the plotting and~~
18 ~~monumenting of lands and subdivisions thereof, and mapping and topographical~~
19 ~~work.~~

20 ~~(b) A person shall be construed to practice or offer to practice land surveying~~
21 ~~who engages in land surveying and who by verbal claim, sign, advertisement,~~
22 ~~letterhead, card, or in any other way represents himself to be a land surveyor, or who~~
23 ~~represents himself as able to perform or who does perform any land surveying~~
24 ~~service or work, or any other service designated by the practitioner which is~~
25 ~~recognized as land surveying. has the same meaning as provided for in R.S. 37:682.~~

26 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 713 Reengrossed

2024 Regular Session

Gadberry

Abstract: Provides relative to the practice of land surveying and the practice of engineering.

Present law provides the definition of "the practice of land surveying" to include the measuring of areas, land surfaces, streams, bodies of water, and swamps for correct determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the plotting and monumenting of lands and subdivisions thereof, and mapping and topographical work.

Present law provides that a person shall be construed to practice or offer to practice land surveying who engages in land surveying and who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor, or who represents himself as able to perform or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying

Proposed law removes present law.

Proposed law defines "the practice of land surveying" to mean providing, or offering to provide, professional services using such sciences as mathematics, geodesy, and photogrammetry, and involving both of the following:

- (1) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on, or below the earth, or within bodies of water, whether the making of measurements or the gathering of information for the providing of these services is accomplished by conventional ground measurements, by photography, by Light Detection and Ranging (LIDAR), by global positioning via satellites, or by a combination of any of these methods; and
- (2) Providing, utilizing, or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions, or projects.

Proposed law provides that professional services include acts of consultation, investigation, testimony, evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- (1) Determining, by measurement, the configuration or contour of the earth's surface or the position of fixed objects thereon.
- (2) Determining, by performing goedetic surveys, the size and shape of the earth or the position of any point on the earth.
- (3) Locating, relocating, establishing, reestablishing, or retracing property lines or boundaries of any tract of land, road, right-of-way, servitude, or easement.
- (4) Making any survey for the division, subdivision, or consolidation of any tract of land.

- (5) Locating or laying out alignments, positions, or elevations for the construction of fixed works, when the location of the fixed works has a direct relationship to a property boundary.
- (6) Determining, by the use of principles of land surveying, the position for any survey monument, boundary or geodetic, or reference point; establishing or replacing any such monument or reference point.
- (7) Creating, preparing, or modifying electronic, computerized, or other data, relative to the performance of activities in proposed law.

Proposed law provides that a person shall be construed to practice land surveying if he does any of the following:

- (1) Engages in or holds himself out as able and entitled to practice land surveying.
- (2) Represents himself to be a professional land surveyor by verbal claim, sign, advertisement, letterhead, card, or in any other way.
- (3) Through the use of some other title, implies that he is a professional land surveyor or licensed by the board.

Present law provides what present and proposed law shall not be construed to prevent or to affect.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the practice of photogrammetry, when performed by a photogrammetrist holding an active photogrammetrist certification from the American Society of Photogrammetry and Remote Sensing.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the practice of remote sensing, when performed by a remote sensing professional holding an active mapping scientist-remote sensing certification from the American Society for Photogrammetry and Remote Sensing.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the practice of providing geographic information system or land information system design or services, when performed by a geographic information system or land information system professional holding either an active mapping scientist-Geographic Information System (GIS) or Land Information System (LIS) certification from the American Society for Photogrammetry and Remote Sensing or an active GIS professional certification from the GIS Certification Institute.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the practice of providing Light Detection and Ranging (LIDAR) system design or services, when performed by a photogrammetrist or LIDAR professional holding an active mapping scientist-LIDAR certification from the American Society for Photogrammetry and Remote Sensing.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the practice of providing Unmanned Aerial System (UAS) design or services, when performed by a photogrammetrist or UAS professional holding an active mapping scientist-UAS certification from the American Society for Photogrammetry and Remote Sensing.

Proposed law adds that present and proposed law shall not be construed to prevent or to affect the practice of geoscience, when performed by a geoscientist holding an active license from the La. Board of Professional Geoscientists.

Present law defines "engineer" or "professional engineer" and "practice of engineering".

Proposed law deletes the definitions in present law and defines "engineer" or "professional engineer" and "practice of engineering" to be the same as provided for in present law.

(Amends R.S. 37:682(14) and 711.2(4), (12), and (14); Adds R.S. 37:702(8))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Delete the definitions of "engineer" or "professional engineer" and the "practice of engineering" in present law and add the definitions outlined in other present law.