

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1099

Introduced by Senator Cannella

February 17, 2016

An act to amend ~~Section 8725~~ *Sections 6731.1 and 8726* of the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Cannella. Land ~~surveyors~~. *surveyors and civil engineers*.

The *Professional Engineers Act and the Professional Land Surveyors' Act* ~~establishes~~ *establish* the Board for Professional Engineers, Land Surveyors, and Geologists within the Department of Consumer Affairs for the licensure and regulation of *professional engineers and land surveyors* *surveyors, respectively*, and ~~requires~~ *require* any person practicing, or offering to practice, *civil engineering or land surveying* *surveying, respectively*, in the state to submit evidence that he or she is qualified to practice and to be licensed under the *respective act*. *Existing law makes it a misdemeanor to practice civil engineering or land surveying without legal authorization.*

This bill would ~~make a nonsubstantive change to this provision~~. *expand the definitions of civil engineering and land surveying to include laying out through the use of mathematics or geometric measurements the alignment or elevation for specified items, determining the configuration or contour of the benthic surface below water bodies or the measuring for volumetric calculations of earthwork, as specified, and making specified determinations by applying the principles of remote sensing. The bill would also amend the definition of geodetic*

surveying. By expanding the scope of a crime, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 6731.1 of the Business and Professions
2 Code is amended to read:

3 6731.1. Civil engineering also includes the practice or offer to
4 practice, either in a public or private capacity, all of the following:

5 (a) Locates, relocates, establishes, reestablishes, ~~or retraces~~
6 ~~retraces~~, or lays out through the use of mathematics or geometric
7 measurements the alignment or elevation for any of the fixed works
8 embraced within the practice of civil engineering, as described in
9 Section ~~6731~~: 6731 or for any items designed with the practice of
10 electrical engineering, as described in Section 6731.5, or
11 mechanical engineering, as described in Section 6731.6.

12 (b) Determines the configuration or contour of the earth's
13 ~~surface or surface~~, the benthic surface below water bodies, the
14 measuring for volumetric calculations of earthwork, or the position
15 of manmade or natural fixed objects above, on, or below the
16 surface of earth by applying the principles of ~~trigonometry or~~
17 ~~photogrammetry~~: mathematics, photogrammetry, or remote
18 sensing.

19 (c) Creates, prepares, or modifies electronic or computerized
20 data in the performance of the activities described in subdivisions
21 (a) and (b).

22 (d) Renders a statement regarding the accuracy of maps or
23 measured survey data pursuant to subdivisions (a), (b), and (c).

24 SEC. 2. Section 8726 of the Business and Professions Code is
25 amended to read:

26 8726. A person, including any person employed by the state
27 or by a city, county, or city and county within the state, practices

1 land surveying within the meaning of this chapter who, either in
2 a public or private capacity, does or offers to do any one or more
3 of the following:

4 (a) Locates, relocates, establishes, reestablishes, ~~or retraces~~
5 *retraces, or lays out through the use of mathematics or geometric*
6 *measurements* the alignment or elevation for any of the fixed works
7 embraced within the practice of civil engineering, as described in
8 ~~Section 6731~~ *6731 or for any items designed with the practice of*
9 *electrical engineering, as described in Section 6731.5, or*
10 *mechanical engineering, as described in Section 6731.6.*

11 (b) Determines the configuration or contour of the earth's
12 surface, *the benthic surface below water bodies, the measuring*
13 *for volumetric calculations of earthwork,* or the position of
14 *manmade or natural* fixed objects above, on, or below the surface
15 of the earth by applying the principles of ~~mathematics or~~
16 ~~photogrammetry~~: *mathematics, photogrammetry, or remote*
17 *sensing.*

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

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

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

33 (f) Geodetic *surveying* or cadastral surveying. As used in this
34 chapter, geodetic surveying means performing ~~surveys~~, *surveys*
35 *by using techniques or methods of three-dimensional geospatial*
36 *data acquisition* in which account is taken of the figure and size
37 of the earth to determine or predetermine the horizontal or vertical
38 positions of fixed objects thereon or related thereto, geodetic
39 control points, monuments, or stations for use in the practice of
40 land surveying or for stating the ~~position~~ *geospatial establishment*

1 *of three-dimensional positions* of fixed objects, geodetic control
2 points, monuments, or stations by California Coordinate System
3 ~~coordinates.~~ *coordinates in accordance with Chapter 1*
4 *(commencing with Section 8801) of Division 8 of the Public*
5 *Resources Code.*

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

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

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

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

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

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

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

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

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

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

1 *SEC. 3. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Section 8725 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~8725. Any person practicing, or offering to practice, land~~
13 ~~surveying in this state shall submit evidence that he or she is~~
14 ~~qualified to practice and shall be licensed under this chapter.~~

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