

# Title 09

## MARYLAND DEPARTMENT OF LABOR

### Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

#### 09.13.06 Minimum Standards of Practice

Authority: Business Occupations and Professions Article, §15-208(b)(4), Annotated Code of Maryland

##### Notice of Proposed Action

[22-177-P]

The State Board for Professional Land Surveyors proposes to amend Regulations **.02**, **.04**, and **.05** under **COMAR 09.13.06 Minimum Standards of Practice**. This action was considered by the State Board for Professional Land Surveyors at a public meeting held on May 4, 2022, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

##### Statement of Purpose

The purpose of this action is to implement Ch. 432, Acts of 2021, as codified in Business Occupations and Professions Article, §15-301(b)(4), Annotated Code of Maryland, by providing additional definitions and clarifying requirements for the exemption of certain individuals from requiring a license as professional land surveyors for the exclusive purpose of determining topography and contours.

##### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

##### Estimate of Economic Impact

The proposed action has no economic impact.

##### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

##### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

##### Opportunity for Public Comment

Comments may be sent to Zevi Thomas, Executive Director, State Board for Professional Land Surveyors, , Department of Labor, 1100 N. Eutaw Street, Baltimore, MD 21202, or call 410-230-6262, or email to zevi.thomas@maryland.gov, or fax to 410-962-8483. Comments will be accepted through October 26, 2022. A public hearing will be held October 12, 2022.

##### Open Meeting

Final action on the proposal will be considered by the Board for Professional Land Surveyors during a public meeting to be held on November 2, 2022, at 1100 Eutaw Street, Baltimore, MD 21201.

##### **.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) *“Accurate and precise location” means a description of the position of a feature, object, or boundary that meets or exceeds the positional tolerance.*

[(1)] (2) (text unchanged).

(3) *“Authoritative” means the process of surveying which results in an accurately and precisely established location of a feature, object, or boundary.*

[(2)] (4)—[(3)] (5) (text unchanged)

(6) *“Certification entity” means an entity acceptable to the Board, as stated in Business Occupations and Professions Article, §15-301(b)(4), Annotated Code of Maryland, including, but not limited to, the following entities:*

(a) *American Society for Photogrammetry and Remote Sensing;*

(b) *GIS Certification Institute;*

(c) *United States Geospatial Intelligence Foundation; and*

(d) *National Society of Professional Surveyors.*

[(4)] (7)—[(10)] (13) (text unchanged)

(14) *“Positional tolerance” means the maximum allowable relative positional precision of 0.07 feet (or 2 centimeters) plus 50 parts per million, based on the direct distance between the two survey markers or monuments, as applicable.*

(15) *“Qualifying activity” means an activity which:*

(a) *Is acceptable to the Board;*

(b) *Is offered by a certification entity; and*

(c) *Has content areas related to the utilization of measurement devices or systems for the purpose of determining topography or contours.*

[(11)] (16) “Relative positional precision” means the length of the semi-major axis expressed in feet or meters, of the error ellipse representing the uncertainty due to random errors in measurements *used to control surveys* in the location of the property evidence, marking any corner of the surveyed property relative to the property evidence, and marking any other corner of the surveyed property at the 95 percent confidence level (two standard deviations).

[(12)] (17)—[(18)] (23) (text unchanged)

**.04 [Field Run] Topographic Surveys.**

A. Purpose. The purpose of a [field run] topographic survey is to locate, describe, or map, or all of these, the elevations and positions of the physical features and characteristics of the surface of the earth, including spot elevations, contours, and other features.

B.—E. (text unchanged)

F. *Exemptions. Individuals who successfully completed the qualifying activity, as defined in Regulation.02B(15) of this chapter, from the certification entity, as defined in Regulation .02B(6) of this chapter, are permitted to produce topographic surveys.*

**.05 [Field Run] Planimetric Surveys.**

A. Purpose. The purpose of a [field run] planimetric survey is to locate, describe, or map, or all of these, the horizontal positions of the physical features and characteristics of the surface of the earth and other features.

B.—E. (text unchanged)