

AN ACT

Providing for the creation of a Truk State Board of Land Surveyors Examiners and the Registration of Surveyors, prescribing the Board's duties, powers, and responsibilities and the requirements for the registration of surveyors, and for other purposes.

Be It enacted by the Legislature of Truk State.

Section 1. Short Title. This Act may be cited as the Truk State Board of Land Surveyors Examiners and Surveyors Registration Act of 1984.

Section 2. Purpose. The purpose of this Act is to provide for the establishment of a Truk State Board to accomplish the professional registration Land Surveyors so that land surveyors and maps for public record purposes may be attested by the Registered Surveyor who performed or supervised the work.

Section 3. Definitions. As used in this Act, unless the context otherwise requires, the term:

- 1) "Board", shall refer to the State Board of Land Surveyors Examiners.
- 2) "Chairman", shall refer to the Chairman of the said Board.
- 3) "Members", shall refer to the officially appointed members of the said Board.
- 4) "Registrant", shall refer to any person who has met all the requirements of this Act and has been duly registered as a Professional Registered Land Surveyor pursuant to this Act. A Registrant shall be construed to practice or offer to practice land surveying and mapping within the meaning and intent of this Act who:
  - a) Practices land surveying; or
  - b) By oral or written claim or sign or advertising letterheads, cards or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is such; or
  - c) Holds himself out as able to perform, or who does perform any surveying service or work, or any other

professional services designated by him as land surveying or generally recognized as such.

(5) "Land Surveyor", shall refer to a registered land surveyor within the meaning of this Act.

(6) "Practice of Land Surveying", shall refer to person who, practices surveying within the meaning of this act, either in a public or private capacity, and who does or offers to do any or more of the following:

(a) Locates, relocates, establishes, re-establishes, or retraces any property line or boundary of any parcel of land or any road, rights-of-way, easement, reserve or other related matters.

(b) makes any survey for the sub-division or resubdivisions of any tract of land.

(c) by the use of the principles of land surveying determines the position for any monument or reference point which marks a property line, boundary corner, and sets, resets or replaces any such monuments or reference points.

(d) determines the configuration or contour of the earth's surface or the position of fixed objects thereon or related thereto, by means of measuring line and angles and applying the principles of trigonometry.

(e) conducts geodetic or cadastral surveying.

(f) determines the information shown or to be shown on any map or document prepared or furnished in connection with anyone or more of the functions described above for public records purposes.

(g) indicates in any capacity or in any manner, by the use of the title "Land Surveyor", or by any other title or representation that the practices or offers to practice land surveying in any of its branches.

(h) procures or offers to procure land surveying work for himself or for others.

(i) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work, is

solicited, performed or practiced,

Section 4. Board: Created; Authority.

(1) There is hereby created a Board of Land Surveyors Examiners within the State of Truk consisting of five (5) members two of whom shall be land surveyors. Members of the Board shall be appointed by the Governor with the advice and consent of the Legislature. All of the appointees shall be at least twenty-five (25) years of age and each shall have at least six (6) years of active experience and be of recognized good standing in their profession of either land surveying; civil engineering, law, or other related professions. Members shall be appointed for a term of four (4) years; PROVIDED that two of the initial appointees shall be for four years term; one for three years term; one for two years term; and one for one year term.

(2) The Governor, with the concurrence of the State Legislature may remove any member of the Board for misconduct, incompetency, neglect of duty, or for any other sufficient cause; PROVIDED HOWEVER, that the removal is subject to appeal to a court of competent jurisdiction. Vacancies in the membership of the Board shall be filled by appointment as provided for under Section 4, Subsection (1) of this Act.

(3) Members of the Board shall carry-out their duties and responsibilities without compensation and shall endeavor to conduct business during normal working hours.

(4) The offices of the Land Commission and Land Management shall provide the Board with necessary clerical personnel, office facilities, technical and other logistic support as the Board may require.

(5) The Board is hereby authorized to promulgate rules and regulations needed in performing its functions.

(6) The Board shall meet at such times and places as it may by rule prescribe, but shall hold at least two regular meetings each year. The Chairman may also call special meetings as the need arises. At all meetings the presence of the three members present in any meeting shall required in arriving at

any decision.

(7) The Board shall maintain a complete record of all applications for registration together with the Board's action thereon and shall annually, during the month of December prepare a list showing the names and addresses of all registered land surveyors for publication. A copy of the list shall be distributed to all registrants and all offices within the State.

(8) The Board shall prepare a printed report of its activities each year which shall be submitted to the Governor and Legislature on the last day of each calendar year. The said report shall also be published on the State's Land Gazette on the publication issue immediately following the calendar year involved.

Section 5. Registration of Surveyors: Procedures; Qualifications; Exemptions.

(1) No person shall practice or offer to practice land surveying, or use in connection with his name, or otherwise use, assume, or advertise any title or description to convey the impression that he is a land surveyor, unless such person has qualified as such by registration as a Land Surveyor or is otherwise exempted under this Act.

(2) A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this Act who practices land surveying or who by oral or written claim or sign, advertising, letterhead, card or in any other way represents himself to be a land surveyor or through the use of some other title implies that he is such, or who holds himself out as able to perform or who does perform any surveying service or work or any other professional service designated by him as land surveying or generally recognized as such.

(3) No person shall be eligible for registration as a Land Surveyor under this Act unless he is:

- (a) An actual resident of the State of Truk;
- (b) At least twenty-five years of age;
- (c) Of good character and repute;
- (d) Meets the professional qualifications prescribed,

by this Act, or

(e) Exempted under the provisions of Section 6 of this Act.

(4) The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a Land Surveyor:

(a) Graduation from university, college, institute or school approved by the Board as of satisfactory standing, including completion of an approved course in surveying, and a specific record of an additional two years or more of experience in land surveying of a character satisfactory to the Board, and indicating that the applicant is competent to practice land surveying and passing the prescribed examination; or

(b) A specific record of six(6) years or more of experience in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying and has passed the prescribed oral and practical examination set by the Board; or

(c) A specific record of eight years or more of lawful practice in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying and has passed the prescribed examinations set by the Board provided that the eight years or more of lawful practice in land surveying work was gained in the last eight consecutive years or since 1974.

(5) In considering the qualifications of applicants as to experience under Section 5 Subsection (4) of this Act, the following may be credited as experience and qualifications:

(a) Teaching of land surveying in an approved curriculum in a university, college, or school approved by the Board as of satisfactory standing;

(b) Expressing and training in the Armed Forces of the United States in civil engineering, or land surveying; and

(c) The satisfactory completion of each year of approved

curriculum in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience under Subsection (4)(b) or (c) of Section 5 of this Act. Graduation in a curriculum other than land surveying from college or university of recognized standing may be considered equivalent to two years of experience under this Act; PROVIDED HOWEVER, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

(6) The Board may, upon application and payment of the fee required by this Act, issue a Certificate of Registration as a land surveyor, without oral or written examination to any person who holds a current valid certificate of Registration, or the equivalent thereof, as such issued by any State, territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of this act. Application for registration shall be on a form or forms prescribed and furnished by the Board and shall:

- (a) Designate the registration applied for;
- (b) Show the applicant's education and a detailed summary of his technical work;
- (c) Furnish not less than three references, of whom at least two shall be with regard to his technical work; and
- (d) Set forth such other information as the Board may prescribe.

(7) Every applicant shall be accomplished by an application fee of fifteen dollars (\$15.00). No refund shall be made in the event registration is denied.

(8) When oral or written examinations are required, it shall be told at such time and place as the Board shall determine: All Examinations shall be prescribed by the Board, subject to requirements of this Act and shall have for their scope the determination of the applicant's ability to practice land surveying. All examinations shall include the subjects of professional ethics and the provisions of this Act. The examination, in addition to other

matters, shall cover the procedure and rules governing the survey of public lands as set forth in Manual of Surveying Instructions published by the Bureau of Land Management, United States Department of the Interior, and in the Manual of Surveying Instructions issued by the Division of Lands and Surveys, Government of the Trust Territory.

(9) The Board shall issue a Certificate of Registration to any applicant for registration as a land surveyor, who, having paid the application and registration fee, has satisfactorily met all the requirements of this Act. Certificates shall show the full name of the registrant, shall have a serial number and shall be signed by the Chairman and the Secretary of the Board under seal of the Board. The Certificate for a registered land surveyor shall authorize the practice of land surveying. The Certificate of Registration, as issued by the Board, shall be prima facie evidence that the person named therein is a registered land surveyor entitled to all the rights and privileges of such, which such certificate remains unrevoked or unexpired.

(10) Certificates of registration shall expire on the last day of the month of December of the third year following their issuance or renewal and become invalid at the end of such day unless renewed. It shall be the duty of the Board to notify every person registered under this Act of the date of expiration of his certificate of registration and the amount of the fee that shall be required for its renewal. Such notices shall be mailed not later than the first week of December each year. Renewal may be effected at any time during the month of December by payment of a renewal fee of fifteen dollars (\$15.00). The failure on the part of any registrant to renew his certificate in the month of December of the year of expiration shall not deprive such person of the right of renewal, but the renewal fee to be paid after the month of December shall be increased by one dollar (\$1.00) for each month or fraction of a month that payment of renewal is delayed; PROVIDED HOWEVER, that the maximum

fee for delayed renewal shall not exceed ten dollars(\$10.00). The failure of the Board to notify a registrant of the date of the expiration of his certificate, or the amount of the renewal fee, shall not extend the duration of a certificate of registration.

(11) Every registrant may, upon being issued a certificate of registration, obtain a seal of a design authorized by the Board, bearing the registrant's name, and the legend "Registered Land Surveyor", as the case may be, and shall provide space for stating the serial number and date of expiration of the certificate of registration. Plans, specifications, plats and reports, prepared by a registrant shall be stamped with such seal when filed with the Truk State Government during the term of the registrant's registration, and shall also show the serial number and date of expiration of such certificate of registration. It shall be a misdemeanor; conviction of which shall be punishable by imprisonment not to exceed six months or by a fine not to exceed \$1,000, or both; for anyone to stamp or seal any document with such seal after the certificate of registration of the person named thereon has expired or has been revoked, unless such certificate shall have been renewed and reissued.

(12) The Board shall have the power, duty, and authority to investigate violations of this Act and may suspend or revoke a certificate of registration on any of the following grounds:

(a) The registrant is practicing in violation of this Act; or

(b) The certificate of registration has been obtained or that the registrant has obtained such certificate by fraud or misrepresentation; or

(c) The certificate of registration was obtained by bribery or payment of any money except fees prescribed by this Act; or

(d) The registrant is falsely impersonating a practitioner or former practitioner or is practicing under an assumed or fictitious name; or



(e) The registrant has been convicted of an offense arising from or in connection with the practice of land surveying, or any offense involving moral turpitude, in which case a certified copy of the record of conviction shall be conclusive evidence thereof; or

(f) The registrant has violated any provision of this Act; or

(g) The registrant has aided and abetted in the practice of land surveying any person not provided under exemption of this Act; or

(h) The registrant has been guilty of fraud or deceit, or of gross negligence, incompetence, misconduct in the practice of land surveying; or

(i) The registrant has permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by his employee or subordinate.

(13) Proceedings under this Act may be initiated upon complaint by any person or by the Board. All charges shall be in writing and sworn to by the person making them. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three (3) months after the date on which they have been referred. The time and place of such hearing shall be fixed by the Board, and a copy of the charges, together with a notice for the hearing shall be personally served upon or mailed to the last known address of such registrant at least thirty (30) days prior to the scheduled hearing. At any hearing, the registrant shall have the right to appear personally and may have counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(14) The Board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked if majority of Board members present on a meeting in favor of such reissuance. A new certificate of registration may

be issued to any person whose certificate has been revoked, lost, destroyed, or mutilated, subject to the rules of the Board and upon payment of a fee of ten dollars(\$10.00).

(15) The practice of land surveying may be performed by employees of a proprietorship, partnership, or corporation engaged in construction, manufacturing, transportation, distribution, or communications insofar as such land surveying is involved in its operations provided that it is performed by, or under the supervision of a land surveyor in responsible charge, registered under this Act.

The practice or offer to practice land surveying or the public, as defined in this Act, by individuals registered under this law through a corporation as officers, employees or agents, is permitted subject to the provisions of this Act, provided that all personnel who act in its behalf as land surveyors in responsible charge are registered under this Act, or are persons lawfully practicing under this law. In case this practice is done through a corporation organized after the effective date of this Act, it shall be required at all times that the president and a majority of the officers and directors are registered land surveyors, and further, that said corporation shall have been issued a certificate of authorization by the Board as provided in this Act. A corporation desiring a certificate of authorization shall file with the Board an application, using a form provided by the Board, listing the names and addresses of all officers and board members of the corporation, and also, of an individual or individuals duly registered to practice land surveying in responsible charge, and other information required by the Board. A non-refundable fee of twenty-five dollars(\$25.00) shall accompany each such application. The same for, giving the same information, must accompany an annual renewal fee of ten dollars(\$10.00). In the event there shall be a change in any of these persons during the year, such charge shall be designated on the same form and filed with the Board within thirty days after the effective date of the change. If all of the requirements of this Section are met, the Board may issue a certificate of authorization to such corporation. No corporation authorized to practice

land surveying under this Act shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reasons of its compliance with the provisions of this Section nor shall any individual practicing land surveying be relieved of responsibility for services performed by reason of his employment or relationship with such corporation. All final drawings, specifications, plans, plats, reports, or other papers or documents involving the practice of land surveying which shall have been prepared or approved for the use of such corporation, or for delivery by it to any person, or for public record shall be dated and bear the signature and seal of the land surveyor who prepared or approved them.

Section 6. Exemptions.

(1) A person not a resident of and having no established place of business in the State of Truk, practicing or offering to practice land surveying in the State of Truk when such practice does not extend in the aggregate more than thirty days in any calendar year; PROVIDED, that such person is legally qualified by registration to practice such profession in the State or territory of his residence and in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.

(2) A person not a resident of and having no established place of business in the State of Truk, or who has recently become a resident thereof, practicing or offering to practice land surveying in the State of Truk for more than thirty days in any calendar year, if he has filled an application for a certification of registration with the Board and has paid the required fees, such exemption to continue only for such time as the Board required for the consideration of the application for registration; PROVIDED, that such person is legally qualified to practice such profession the State or Territory of his residence and in which the requirements or qualifications for obtaining a certificate are not lower than those prescribed in this Act.

(3) An employee or subordinate of a person holding a certifi-

date of registration under this Act or an employee or a person exempted from registration by this section; PROVIDED, that the work of such employee or subordinate does not include final designs or decisions and is under the direct responsibility and supervision of a person holding a certificate of registration under this Act.

(4) Officers, employees or members of the Armed Forces of the United States as long as their practice of land surveying is limited to that work specifically authorized by the Armed Forces.

(5) The practice of any legally recognized profession other than that of land surveyor.

Section 7. Register of Land Surveyors.

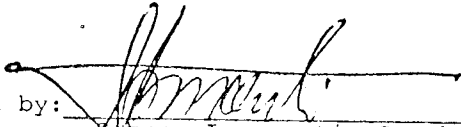
(1) The Board shall record in a book to be kept for the purpose and to be known as the "Register of Land Surveyors", the names and addresses of all registered land surveyors, together with the details and dates of the qualifications in respect of which they are registered by the Board of Land Surveying Examiners. Every entry in the Register shall be signed by the Chairman of the Board. A copy of an entry in the Register, purporting to be certified by the Chairman of the Board as a true copy, is prima facie evidence that the person named therein is a registered land surveyor.

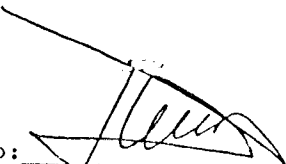
(2) The register shall be opened to public inspection by anyone desiring to view the register. The register shall be up-dated at all times by the Chairman of the Board.

Section 8. An holder of a certificate of registration issued under the herein superseded Title 31 of the Trust Territory Code, which expired on the last day of December, 1981, who is an actual resident of the State of Truk on the effective date of this Act, upon payment of the herein prescribed renewal fee or having paid the renewal fee prescribed by the superseded law, shall be issued a certificate of registration and shall be entitled to all rights and privileges of a registered land surveyor under this Act while such certificate remains unrevoked or unexpired.

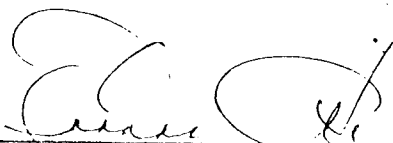
Section 9. Supersession. This Act supersedes Title 31, Chapter 1, Sub-chapters I through IV of the Code of the Trust Territory of the Pacific Islands and all amendments made thereto.

Section 10. Effective Date. This Act shall take effect upon the approval of the Governor, or upon its becoming law without such approval.

Signed by:   
Simeon Innocenti, Speaker  
Truk State Legislature

Attested to:   
Datasi Albert  
Legislative Chief Clerk  
Truk State Legislature

Date: June 25, 1984

Approved by:   
Erhart Aten, Governor  
Truk State Government

Date: July 9, 1984