

STANDARDS OF PRACTICE, ETHICS & CODE OF CONDUCT

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This course satisfies the requirements
of 201 KAR 18:192 (3)(2)
Course Approval #22-07-055

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Purpose of this Seminar

1. State the 2019 & 2022 most common MTS deficiencies.
2. Discuss the difference between KRS & KAR.
3. Review KRS 322 – our licensing law.
4. Review the Code of Professional Practice and Conduct.
5. Review the Standards of Practice.
6. Review & discuss the 2019 & 2022 most common MTS deficiencies.

Kentucky Revised Statutes KRS Chapter 322

Kentucky Legislature

***Includes enactments through the
2022 Regular Session***

***The KRS database was last updated on
05/27/2022***

2019 Top Four Most Common Surveying Standards of Practice, MTS, Deficiencies

1. Failure to include the record source for the title for roadways. Each road which abuts the property being surveyed.

It is understood that many Kentucky roads do not have a source of title, as in a deed to the county or state. When that is the case, the landowner across the county/state road becomes the adjoining property owner, and their name and source of title should be shown, and their deed analyzed in comparison to the subject property deed.

While a road right-of-way is different in some ways from other types of adjoining properties, it is an adjoining property, nevertheless. The standards require that all adjoining properties be researched to determine the record source. In many cases, a diligent search will turn up a deed for the road right-of-way which adjoins the property you are surveying.

If after searching the public record, you are unable to find a record source, then a note on the plat to that effect will suffice. It is also advisable to note what information you relied upon to establish the right-of-way in the absence of a deed.

2019 Top Four Most Common Surveying Standards of Practice, MTS, Deficiencies (cont'd)

2. Name and address of the surveyor's client, in addition to the name and address of the property owner.

Many times, they will be the same, but not always. The surveyor's client could be the potential buyer, a realtor, an attorney, or other person who does not currently own the property. If the client and landowner are the same, simply list "Owner/Client: John Doe, 123 North 4th Street, etc."

3. Property address or PVA tax parcel ID number of the subject property not included.

If the property has no known address, it is acceptable to list the property's PVA tax parcel ID number. This will, at a minimum, make it locatable on a tax map.

2019 Top Four Most Common Surveying Standards of Practice, MTS, Deficiencies (cont'd)

4. Tree's as Monumentation.

The standards require certain conditions when a surveyor may use a tree(s) as a monument (Section 9). That section also requires the surveyor to mark the tree in a conspicuous manner.

Section 10 (5) © requires the surveyor to provide “a notation as to whether each monument was found or set”. In the context of a tree monument, “set” may not be the appropriate item. The surveyor should note whether the tree corner is a record monument (found) or newly established (set) monument.

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 1. Failure to include the source of title for roadways or adjacent property owners across a roadway.
- ▶ 201 KAR 18:150, Section 10 (4)(j)
- ▶ 201 KAR 18:150 Section 10 (5)(g) & (5) (h)
- ▶ Professional land surveyors are required to include the names and record sources of all adjoining property owners to the land that is being surveyed on both written descriptions and plats of survey. When the subject property abuts a roadway, every effort should be made to determine the ownership of the road. If a source of title is found for the road, the landowners across the road are the adjacent property owners. Their names and sources of title should be shown on the plat, and their deeds should be analyzed in comparison to the subject property deed. It should also be noted that no source of title was found for the road.

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 1.(CONT.)
- ▶ KAR 178.025 provides for a presumption of width and area of public right-of-way. In addition, many local governments require a dedication of right-of-way on existing roads as a condition of plat approval. Neither of these conditions relieve professional land surveyors from their obligation to include the names and sources of title for the adjoining property owners across the road if no source of title for the road is found.

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 2. Failure to state the exact unadjusted error of closure or relative positional accuracy.
- ▶ 201 KAR 18:150, Section 7 (5)
- ▶ 201 KAR 18:150, Section 10 (3)(d)(1)
- ▶ 201 KAR 18:150 (5)(m)
- ▶ 201 KAR 18:150, Section 7 (5) establishes the standards of accuracy and precision for urban and rural surveys. Section 10 (3)(d)(1) requires the professional land surveyor to retain calculations of the relative positional accuracy of closure, and Section 10 (5)(m) requires the unadjusted error of closure or relative positional accuracy or closure to be stated on the plat. It is not sufficient to state that the survey “meet’s the minimum standards for an urban/rural survey” or that the closure “better than 1:0,000” or that the relative positional accuracy is “less than 0,05+-100 PPM”; the exact error or closure or re;ative positional accuracy needs to be stated on the plat.

2022 Most Common Surveying Standards of Practice Deficiencies

- ▶ 3. Failure to mark a tree in a conspicuous manner and failure to state if the tree is a record monument or a newly established monument.
- ▶ 201 KAR 18:150, Section 9 (7)
- ▶ 201 KAR 18:150, Section 10 (4)(f)
- ▶ 201 KAR 18:150, Section 10 (5)(c)
- ▶ Per 201 KAR 18:150, Section 9 establishes certain conditions for which a tree can be used as a monument. This section requires that the tree be marked in a conspicuous manner that is both physical and permanent. Section 10 (4)(f) requires that a written description include “the identification of each tree utilized as a new corner monument, including breast height diameter, species of tree, method of marking, and a notation whether the tree is a record monument or a newly established monument.” Section 10 (5)(c) requires that a plat include a “notation as to whether each monument was found or set.” In the context of a tree monument, “set” may not be the appropriate term. The professional land surveyor should note whether the tree monument is a record monument (found) or a newly established monument (set).

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 4. Failure to include all information required for a found monument.
- ▶ 201 KAR 18:150, Section 10(4)(h)
- ▶ 201 KAR 18:150, Section 10 (5)(e)
- ▶ Descriptions of found monuments need to include the monument's dimensions, type of material, and the identifying cap or identifier, or lack thereof. If there is no identifying cap on a found monument, the professional land surveyor needs to state as such on the plat.

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 5. Failure to provide both the name and address of the property owner and the name and address of the client.
- ▶ 201 KAR 18:150, Section 10 (5)(s)(1)
- ▶ 201 KAR 18:150, Section 10 (5)(s)(2)
- ▶ While the owner and the client may be the same, this is not always the case. The client could be a potential buyer, realtor, attorney, or another person with interest in the property. If the owner and client are the same, show the person or entity as: "Owner/Client: (Name), (Address)."

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 6. Failure to include the location or address of each tract or parcel of land surveyed.
- ▶ 201 KAR, Section 10 (5)(t)(2)
- ▶ If the property does not have an address, it is acceptable to use the PVA tax parcel ID number to identify the location of the parcel.

Kentucky Legislature

Includes enactments through the 2014 Regular Session

The KRS database was last updated on 05/05/2015

Engineers and Surveyors

- .010 Definitions for chapter.
- .015 Repealed, 2010.
- .020 Practice of engineering or land surveying without license prohibited.
- .030 Exceptions to KRS 322.020.
- .040 Requirements for licensure as a professional engineer – Education, experience.
- .045 Requirements for licensure as a professional land surveyor – Education, experience.
- .047 Alternate requirements for licensure as a professional land surveyor until June 30, 2011 – Education, experience.
- .050 Requirements for applicants.
- .060 Prerequisites for practice of engineering by a business entity – Permit – Responsibility for conduct – Disciplinary action – Requirement of board certificate or letter for incorporation or for registration as a foreign corporation.
- .070 Application for licenses.
- .080 Time, place, scope of examination.
- .090 Reexamination.

Kentucky Legislature

Includes enactments through the 2017 Regular Session

The KRS database was last updated on 06/10/2019

Engineers and Surveyors

- .100 License fees.
- .110 Licensure – Designations – Rights associated with license.
- .120 Licensure by endorsement.
- .130 Repealed, effective January 1, 1999.
- .140 Repealed, effective January 1, 1999.
- .150 Repealed, effective January 1, 1999.
- .160 Renewal of license or permit – Duty of executive director – No renewal fee for years spent in Armed Forces.
- .170 Replacement and reissuance of certain licenses and permits.
- .180 Grounds for denial of licensure and for disciplinary action.
- .190 Investigation and resolution of complaints – Appeals.
- .200 Repealed, 2010.
- .230 State Board of Licensure for Professional Engineers and Land Surveyors
 - Membership – Terms – Oath
- .240 Qualifications of board members.
- .250 Appointment of board members – Vacancies
- .260 Officers of board

Kentucky Legislature

Includes enactments through the 2014 Regular Session

The KRS database was last updated on 05/05/2015

Engineers and Surveyors

- .270 Compensation of board members.
- .280 Meetings of board.
- .290 Functions of board.
- .300 Board to keep record of proceedings and register of applications.
- .310 Repealed, 2010.
- .320 Board may require attendance of witnesses, production of documents.
- .340 Licensee to obtain seal or stamp – Use of seal or stamp.
- .350 Repealed, effective January 1, 1999.
- .360 Public work required to be done under professional engineer or licensed architect.
- .370 Incidental architectural practice permitted.
- .380 Seeking business through another to avoid chapter prohibited.

Kentucky Legislature

*Includes enactments through the 2014 Regular Session
The KRS database was last updated on 05/05/2015*

Land Surveyors

- .400 Plats or surveys not to be recorded unless certified by a professional land surveyor.
- .410 Repealed, 1972.
- .420 Disposition of fees paid to the board.
- .430 Repealed, 1986.
- .440 Repealed, 1986.
- .450 Persons exempt from law.
- .460 Officers to enforce law – Employment of attorneys.
- .470 Right of entry on land of others by land surveyor – Notification of landowner – Liability of landowner.

Services of Engineer or Architect

- .550 Buildings or additions to existing buildings requiring services of an architect or of either a professional engineer or an architect.

Penalties

- .990 Penalties.

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322.010 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) **"Board"** means the State Board of Licensure for Professional Engineers and Land Surveyors;
- (2) **"Engineer"** means a person who is qualified to engage in the practice of professional engineering by reason of special knowledge and use of:
 - (a) The mathematical, physical, and engineering sciences; and
 - (b) The principles and methods of engineering analysis and design, acquired by engineering education and practical engineering experience;
- (3) **"Professional engineer"** means a person who is licensed as a professional engineer by the board;
- (4) **"Engineering"** means any professional service or creative work, the adequate performance of which requires engineering education, training, and experience as an engineer.
 - (a) "Engineering" shall include:

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322.010 Definitions for chapter. (cont'd)

(4) (a) "Engineering" shall include: (cont'd)

1. Consultation, investigation, evaluation, planning, certification, and design of engineering works and systems;
 - a. Engineering design and engineering work associated with design/build projects;
 - b. Engineering works and systems which involve earth materials, water or other liquids, and gases;
 - c. Planning the use of land, air, and waters; and
 - d. Performing engineering surveys and studies;
2. The review of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces this service or work, either public or private, in connection with any utilities, structures, certain buildings, building systems, machines, equipment, processes, work systems, or projects with which the public welfare or the safeguarding of life, health, or property is concerned, when that professional service or work requires the application of engineering principles and data;

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322.010 Definitions for chapter. (cont'd)

- (4) (a) "Engineering" shall include: (cont'd)
3. The teaching of engineering design courses in any program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board;
 4. The negotiation or solicitation of engineering services on any project in this state, regardless of whether the persons engaged in the practice of engineering:
 - a. Are residents of this state;
 - b. Have their principal place of business in this state; or
 - c. Are in responsible charge of the engineering services performed; and
 5. The services of a professional engineer who engages in the practice of land surveying incident to the practice of engineering that does not relate to the location or determination of land boundaries.

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322.010 Definitions for chapter. (cont'd)

- (4) (b) **"Engineering"** shall not include the professional services performed by persons who:
 - 1. Develop or administer construction project safety programs, construction safety compliance, construction safety rules or regulations, or related administrative regulations; or
 - 2. Only operate or maintain machinery or equipment;
- (5) **"Practice of engineering"** means the performance of any professional service included in subsection (4)(a) of this section;
- (6) **"Engineer in training"** means a person who has passed the Fundamentals of Engineering Examination and is otherwise qualified to earn experience toward licensure as a professional engineer;
- (7) **"Responsible charge of engineering"** means direct control and personal supervision of engineering, or teaching experience with the rank equivalent to assistant professor or higher in a board-approved engineering program;

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322.010 Definitions for chapter. (cont'd)

- (8) **"Land surveyor"** means a person who is qualified to engage in the practice of land surveying by reason of special knowledge and use of mathematics, the physical and applied sciences, and the principles and methods of land surveying, acquired by education and practical experience in land surveying;
- (9) **"Professional land surveyor"** means a person who is licensed as a professional land surveyor by the board;
- (10) **"Land surveying"** means any professional service or work, the adequate performance of which requires the education, training, and experience as a land surveyor.
 - (a) **"Land surveying"** shall include but not be limited to the following:
 - 1. Measuring and locating, establishing, or reestablishing lines, angles, elevations, natural and man-made features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surfaces of bodies of water involving the:
 - a. Determination or establishment of the facts of size, shape, topography, and acreage;

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322.010 Definitions for chapter. (cont'd)

- (10) (a) **"Land surveying"** shall include but not be limited to the following:
1.
 - b. Establishment of photogrammetric and geodetic control that is published and used for the determination, monumentation, or description of property boundaries;
 - c. Subdivision, division, and consolidation of lands;
 - d. Measurement of existing improvements, including condominiums, after construction and the preparation of plans depicting existing improvements, if the improvements are shown in relation to property boundaries;
 - e. Layout of proposed improvements, if those improvements are to be referenced to property boundaries;
 - f. Preparation of subdivision record plats;
 - g. Determination of existing grades and elevations of roads and land;
 - h. Creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them; and
 - i. Certification of documents;

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322.010 Definitions for chapter. (cont'd)

- (10) (a) 2. The negotiation or solicitation of land surveying services on any project in this state, regardless of whether the persons engaged in the practice of land surveying:
- a. Are residents of this state;
 - b. Have their principal office or place of business in this state; or
 - c. Are in responsible charge of the land surveying services or work performed; and
3. The preparation of survey descriptions for use in legal instruments affecting real property or property rights. "Land surveying" does not include the preparation of a physical description that identifies and describes the tract, parcel, or lot by reference to the tract, parcel, lot, block, or unit number of any subdivision, or other summary identifier appearing on a properly recorded plat of record, or by reference to a deed of record.

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322.010 Definitions for chapter. (cont'd)

(10) (b) **"Land surveying"** shall not include:

1. The measurement of crops or agricultural land area under any agricultural program sponsored by an agency of the federal government or the state of Kentucky;
2. The services of a professional engineer who engages in the practice of land surveying incident to the practice of engineering, if the land surveying work does not relate to the location or determination of land boundaries; or
3. The design of grades and elevations of roads and land;

(11) **"Practice of land surveying"** means the performance of any professional service included in subsection (10)(a) of this section;

(12) **"Land surveyor in training"** means a person who has passed the Fundamentals of Land Surveying Examination and is otherwise qualified to earn experience toward licensure as a professional land surveyor;

(13) **"Responsible charge of land surveying"** means direct control and personal supervision of land surveying, or teaching experience with the rank equivalent to assistant professor or higher in a board-approved land surveying program;

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322.010 Definitions for chapter. (cont'd)

- (14) **"Business entity"** means a corporation, partnership, limited liability company, limited partnership, or firm;
- (15) **"Offer to practice"** means:
 - (a) A promise or commitment to engage in any act directly related to engineering or land surveying;
 - (b) Undertaking to engage in the practice of engineering or land surveying; or
 - (c) Any claim, express or implied, by any person representing himself or herself to be a professional engineer or professional land surveyor;
- (16) **"Certification"** means affixing a seal or stamp, signature, and date by a professional engineer or professional land surveyor to represent that the services or work addressed therein was performed by that professional engineer or professional land surveyor according to his or her knowledge, information, and belief, and that it was completed in accordance with applicable standards of practice. "Certification" shall not mean a guaranty or warranty, either express or implied;
- (17) The **"Fundamentals of Engineering Examination"** means the examination with that name developed by the National Council of Examiners for Engineering and Surveying;

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322.010 Definitions for chapter. (cont'd)

- (18) The **"Fundamentals of Land Surveying Examination"** means the examination with that name developed by the National Council of Examiners for Engineering and Surveying;
- (19) The **"Principles and Practice of Engineering Examination"** means the examination with that name developed by the National Council of Examiners for Engineering and Surveying; and
- (20) The **"Principles and Practice of Land Surveying Examination"** means the examination with that name developed by the National Council of Examiners for Engineering and Surveying.

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec. 140, effective 7-15-10.- Amended 2008 Ky. Acts ch. 149, sec. 1, effective 7-15-08. - Amended 2007 Ky. Acts ch. 137, sec. 140, effective 6-26-07. - Amended 1998 Ky. Acts ch. 214, sec. 1, effective 07-01-99. -- Amended 1992 Ky. Acts ch. 96, sec. 1, effective 7-14-92 - Amended 1986 Ky. Acts ch. 291, sec. 1, effective 7-15-86. - Amended 1982 Ky. Acts ch. 273, sec. 1, effective 7-15-86. - Amended 1980 Ky. Acts ch. 332, sec. 1, effective 7-15-80. - Amended 1974 Ky. Acts ch. 308, sec. 55; and ch. 350, sec. 1. - Amended 1972 Ky. Acts ch. 148, sec. 1. - Amended 1966 Ky. Acts ch. 68, sec. 1. - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective 10-1-42, from Ky. Stat. sec. 1599e-2.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 51, sec. 183, provides, "The specific textual provisions of Sections 1 to 178 of this Act which reflect amendments made to those sections by 2007 Ky. Acts ch. 137 shall be deemed effective as of June 26, 2007, and those provisions are hereby made expressly retroactive to that date, with the remainder of the text of those sections being unaffected by the provisions of this section."

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322.020 Practice of engineering or land surveying without license prohibited.

- (1) Unless licensed as a professional engineer, no person shall:
 - (a) Engage in the practice of engineering;
 - (b) Offer to practice engineering; or
 - (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional engineer.
- (2) Unless licensed as a professional land surveyor, no person shall:
 - (a) Engage in the practice of land surveying;
 - (b) Offer to practice land surveying; or
 - (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional land surveyor.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 3, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 2, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-1, 1599e-12, 1599e-21.

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322.030 Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

- (1) The work of an employee or subordinate of:
 - (a) A professional engineer if the work is done under the direct supervision of and verified by the professional engineer; or
 - (b) A professional land surveyor if the work is done under the direct supervision of and verified by the professional land surveyor;
- (2) The practice of engineering or land surveying by officers and employees of the United States government while engaged in engineering or land surveying for the government;
- (3) The practice of engineering or land surveying by a person on property he or she leases or owns unless:
 - (a) The practice involves the public safety, health, or welfare; or
 - (b) The land surveying relates to the location or determination of any existing or proposed land boundaries;
- (4) An engineer or land surveyor engaged solely as an officer or employee of a privately owned public utility or of a business entity engaged in interstate commerce as defined in the Interstate Commerce Act (24 Stat. 379) as amended;

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322.030 Exceptions to KRS 322.020. (cont'd)

KRS 322.020 shall not apply to: (cont'd)

- (5) A licensed architect who engages in the practice of engineering incident to the practice of architecture; or
- (6) The practice of engineering related solely to the design or fabrication of manufactured products. This exemption does not extend to site-specific engineering work for Kentucky locations.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 4, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 4, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 3, effective July 15, 1986. -
- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-18, 1599e-22.

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**322.045 Requirements for licensure as a professional land surveyor --
Education, experience.**

- (1) A person shall qualify for licensure as a professional land surveyor if he or she has:
 - (a) Passed the Fundamentals of Land Surveying Examination and is thereby designated a land surveyor in training according to the conditions set forth in either paragraph (c) of this subsection or KRS 322.047(1)(a);
 - (b) Passed the Principles and Practice of Land Surveying Examination; and
 - (c) Met one (1) of the following requirements set out in this paragraph:
 - 1. Graduation from a board-approved program of four (4) years or more in land surveying from a college or university and not less than three (3) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination during the final year of the program;

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**322.045 Requirements for licensure as a professional land surveyor --
Education, experience. (cont'd)**

- (1) (c) 2. Graduation from a program of four (4) years or more in other than land surveying from a college or university of recognized standing, completion of a twenty-four (24) semester credit hour core curriculum in land surveying, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;
 - a. The core curriculum in land surveying may be completed as part of the four (4) year program or may be taken in addition to that program; and
 - b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of the core curriculum in land surveying or during the final year in the program if twelve (12) hours or more of the core curriculum in land surveying have been completed; or

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**322.045 Requirements for licensure as a professional land surveyor --
Education, experience. (cont'd)**

- (1) (c) 3. Graduation from a civil, mining, or agricultural engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board, completion of twelve (12) semester credit hours of the core curriculum in land surveying referenced in subparagraph 2. of this paragraph, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;
 - a. The twelve (12) hours of the core curriculum in land surveying may be completed as part of the engineering program or may be taken in addition to that program; and
 - b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon graduation from the engineering program or during the final year in the program if twelve (12) hours of the core curriculum in land surveying have been completed.

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322.045 Requirements for licensure as a professional land surveyor -- Education, experience. (cont'd)

- (2) Any person having the necessary qualifications prescribed in subsection (1) of this section or any applicable qualifications prescribed in KRS 322.047(1)(a) shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.
- (3) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(c)1., 2., and 3. of this section, and for the surveying core curriculum described in subsection (1)(c)2. and 3. of this section.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 20, sec. 2, effective June 20, 2005.

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322.060 Prerequisites for practice of engineering by a business entity -- Permit -- Responsibility for conduct -- Disciplinary action -- Requirement of board certificate or letter for incorporation or for registration as a foreign corporation.

- (1) (a) A business entity shall not engage in the practice of engineering in this state unless:
1. At least one (1) of its principals or officers, or a designated employee, is a professional engineer who is in responsible charge of the engineering work;
 2. The professional engineer in responsible charge is located at the Kentucky office, if one is maintained; and
 3. The board has issued a permit to the business entity.
- (b) To apply for a permit, a business entity offering engineering services in this state shall file with the board, on a form prescribed by the board:
1. The names and addresses of all principals and officers;
 2. The license number of principals, officers, and employees who are professional engineers in responsible charge of the business entity's practice of engineering in this state; and
 3. A list of locations of all offices in this state at which the business entity offers professional engineering services.

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322.060 Prerequisites for practice of engineering by a business entity -- Permit -- Responsibility for conduct -- Disciplinary action -- Requirement of board certificate or letter for incorporation or for registration as a foreign corporation. (cont'd)

- (1) (c) If more than one (1) place of business is maintained in this state, a professional engineer shall be in responsible charge of the engineering work for each office.
- (d) professional engineer who renders occasional, part-time, or consulting engineering services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the engineering work unless the professional engineer is an officer or owner of the business entity.
- (e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status in those items listed in paragraph (b) of this subsection.
- (f) An individual professional engineer providing engineering services as a sole proprietor in the name listed on his or her individual license, or architectural firms offering engineering services incident to their practice, shall be excluded from the provisions of this subsection.

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322.060 Prerequisites for practice of engineering by a business entity -- Permit -- Responsibility for conduct -- Disciplinary action -- Requirement of board certificate or letter for incorporation or for registration as a foreign corporation. (cont'd)

- (2) (a) A business entity shall not engage in the practice of land surveying in this state unless:
1. At least one (1) of its principals or officers, or a designated employee, is a professional land surveyor in direct responsible charge of the land surveying work;
 2. The professional land surveyor in responsible charge is located at the Kentucky office, if one is maintained; and
 3. The board has issued a permit to the business entity.
- (b) To apply for a permit, a business entity offering land surveying services in this state shall file with the board, on a form prescribed by the board:
1. The names and addresses of all principals and officers;
 2. The license numbers of the principals, officers, and employees who are professional land surveyors in responsible charge of the practice of land surveying in this state; and
 3. A list of locations of all offices in this state at which the business entity offers professional land surveying services.

**Kentucky Revised Statutes
KRS Chapter 322**

**322.060 Prerequisites for practice of engineering by a business entity --
Permit -- Responsibility for conduct -- Disciplinary action --
Requirement of board certificate or letter for incorporation or
for registration as a foreign corporation. (cont'd)**

- (2) (c) If more than one (1) place of business is maintained in this state, a professional land surveyor shall be in responsible charge of the land surveying work for each office.
- (d) A professional land surveyor who renders occasional, part-time, or consulting services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the land surveying work unless the professional land surveyor is an officer or owner of the business entity.
- (e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status.
- (f) An individual professional land surveyor providing land surveying services as a sole proprietor in the name listed on his or her individual license shall be excluded from the provisions of this subsection.

**Kentucky Revised Statutes
KRS Chapter 322**

322.060 Prerequisites for practice of engineering by a business entity -- Permit -- Responsibility for conduct -- Disciplinary action -- Requirement of board certificate or letter for incorporation or for registration as a foreign corporation. (cont'd)

- (3) (a) After a business entity applies for a professional engineering or professional land surveying permit and pays the proper fees, the board shall review the application and, upon approval, shall issue a permit.
- (b) The board may suspend, revoke, or refuse to issue a permit for violation of the code of professional practice and conduct.
- (c) The expiration date and renewal period for each permit and renewal procedures shall be established by administrative regulations promulgated by the board.
- (4) (a) No business entity shall be relieved of responsibility for the conduct or acts of its agent, employees, or officers by reason of its compliance with this section.
- (b) No individual practicing professional engineering or professional land surveying shall be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a business entity holding a permit under this section.

**Kentucky Revised Statutes
KRS Chapter 322**

**322.060 Prerequisites for practice of engineering by a business entity -
Permit - Responsibility for conduct - Disciplinary action -
Requirement of board certificate or letter for incorporation or
for registration as a foreign corporation. (cont'd)**

- (5) Disciplinary action against a business entity holding a permit under this section shall be administered in the same manner and on the same grounds as disciplinary action against an individual professional engineer or professional land surveyor.
- (6) The Secretary of State shall not accept articles of incorporation, articles of organization, statement of qualification or certificate of limited partnership or an application for a certificate of authority to transact business as a foreign corporation, limited liability company or limited partnership or a statement of foreign qualification from a business entity which includes in its name or, among objects for which it is established, any of the words, "engineer," "engineering," "surveyor," "surveying," "land surveying," or any modification or derivation thereof, unless the filing with the Secretary of State includes a certificate or letter from the board.

Kentucky Revised Statutes KRS Chapter 322

322.060 Prerequisites for practice of engineering by a business entity - Permit - Responsibility for conduct - Disciplinary action - Requirement of board certificate or letter for incorporation or for registration as a foreign corporation. (cont'd)

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec.141, eff. 7-15-10; and amended 2010 Ky. Acts ch. 163, sec.6, eff. 7-15-10- Amended 2007 Ky. Acts ch.137, sec.141, eff. 6-26-07,- Amended 1998 Ky. Acts ch. 214, sec.7, eff. 1-1-99.- Amended 1992 Ky. Acts ch. 96, sec 2, eff. 7-14-92.- Amended 1986 Ky. Acts ch. 291, sec.6, eff. 7-15-86.-Recodified 1942 Ky. Acts ch. 208, sec.1, eff. 10-1-42, from Ky. Stat. sec. 1599e-12.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts ch. 163, and repealed and reenacted by 2010 Ky Acts ch. 51. Pursuant to Section 184 of Acts ch. 51, it was the intent of the General Assembly that the repeal and reenactment not serve to void the amendment, and these Acts do not appear to be in conflict; therefore, they have been codified together.

**Kentucky Revised Statutes
KRS Chapter 322**

322.110 Licensure -- Designations -- Rights associated with license.

- (1) The board shall issue a license authorizing the practice of engineering or land surveying to any applicant who has met the respective requirements set forth in this chapter.
- (2) All licenses issued under this subsection shall be signed by the chairman and the secretary of the board, under the seal of the board. Each license shall bear the full name of the licensee, the license number, and one (1) of the following designations:
 - (a) "Professional Engineer";
 - (b) "Professional Land Surveyor";
 - (c) "Professional Engineer, Inactive";
 - (d) "Professional Engineer, Retired";
 - (e) "Professional Land Surveyor, Inactive"; or
 - (f) "Professional Land Surveyor, Retired."
- (3) The designations in paragraphs (c), (d), (e), and (f) of subsection (2) of this section shall be defined in administrative regulations promulgated by the board.

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KRS Chapter 322

322.110 Licensure -- Designations -- Rights associated with license. (cont'd)

- (4) (a) A valid professional engineer or professional land surveyor license shall be prima facie evidence that the licensee is entitled to all rights, privileges, and responsibilities of a professional engineer or a professional land surveyor.
- (b) A valid license bearing the designation "inactive" or "retired" shall be prima facie evidence that the licensee is entitled to all rights, privileges, and responsibilities of a professional engineer or professional land surveyor, except the right to practice.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 12, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 10, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-15.

**Kentucky Revised Statutes
KRS Chapter 322**

322.160 Renewal of license or permit -- Duty of executive director – No renewal fee for years spent in Armed Forces.

- (1) Licenses for individuals and permits for business entities shall be valid for not more than two (2) years from the date of issuance, unless renewed.
- (2) The executive director shall notify every licensee and permit holder at least one (1) month in advance of the pending expiration date.
 - (a) All license renewals shall be completed on or before June 30 of the year of expiration.
 - (b) All permit renewals shall be completed on or before December 31 of the year of expiration.
 - (c) Each licensee or permit holder is responsible for notifying the board of any address change.
 - (d) The responsibility for the timely renewal of a license or permit rests with the licensee or permit holder.
- (3) The failure to renew shall not deprive a licensee or permit holder of the right of renewal, but the fee to be paid for the renewal shall be increased ten percent (10%) for each month or fraction of a month that payment of renewal is delayed. Any licensee or permit holder who fails to renew within one (1) year after expiration shall furnish the board with:

Kentucky Revised Statutes KRS Chapter 322

322.160 Renewal of license or permit -- Duty of executive director – No renewal fee for years spent in Armed Forces. (cont'd)

- (3)
 - (a) Satisfactory evidence of qualification of continued practice. However, the board may require reexamination; and
 - (b) Evidence of completion of continuing education hours as required by KRS 322.290.
- (4) No licensee shall be required to pay renewal fees to the board during the time the licensee is on active duty in the Armed Forces of the United States.
 - (a) Any licensee who has previously paid any renewal fee covering a period of time spent on active duty shall, upon filing with the board a copy of his or her discharge, be granted a license renewal without the payment of any fee.
 - (b) The free renewal shall be for as many license years as the licensee was on active duty and which were covered in whole or in part by the previous payment of a renewal fee.
 - (c) The continuing education requirement under KRS 322.290 shall be waived for those years the licensee was on active duty.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec.9, eff. 7/15/10. Amended 2007 Ky. Acts ch. 16, sec., eff. 6-26-07. Amended 2004 Ky. Acts ch. 134, sec.1, eff 7/13/04. Amended 1998 Ky. Acts ch. 214, sec.14, eff. 1-1-99. Amended 1986 Ky. Acts ch. 291, sec.15, eff 7/15/86. Amended 1982 Ky. Acts ch. 273, sec.4, eff. 7-15-82. Amended 1978 Ky. Acts ch. 313, sec.10, eff. 6-17-78. Amended 1946 Ky. Acts ch. 65, sec.1. Recodified 1942 Ky. Acts ch. 208, sec. 1, eff. 10-1-42, from Ky. Stat. sec. 1599e-16.

Kentucky Revised Statutes KRS Chapter 322

322.170 Replacement and reissuance of certain licenses and permits.

- (1) A new license or permit may be issued to replace any license or permit that was lost, destroyed, or mutilated, subject to the administrative regulations promulgated by the board.
- (2) Any license or permit may be reissued to replace any license or permit that was previously revoked, subject to KRS 322.220.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 15, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 16, effective July 15, 1986. -- Amended 1972 Ky. Acts ch. 148, sec. 12. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

Kentucky Revised Statutes KRS Chapter 322

322.180 Grounds for denial of licensure and for disciplinary action.

The board may refuse to issue, refuse to renew, suspend, or revoke a license, may reprimand, place on probation, or admonish a licensee, may impose a fine on a licensee not to exceed one thousand dollars (\$1,000), or may impose any combination of these penalties when it finds that an applicant or licensee:

- (1) Engaged in any practice of fraud or deceit in obtaining a license; (1) Licenses for individuals and permits for business entities shall be valid for not more than two (2) years from the date of issuance, unless renewed.
- (2) Engaged in gross negligence, incompetence, or misconduct in the practice of engineering or land surveying;
- (3) Violated any provision of this chapter, the administrative regulations promulgated by the board, or the code of professional practice and conduct adopted by the board and incorporated in administrative regulations;
- (4) Employed, procured, or induced a person not licensed to practice engineering or land surveying in this state;
- (5) Aided or abetted a person not licensed to practice engineering or land surveying in this state;
- (6) Been granted a license upon a mistake of material fact;
- (7) Been convicted by a court of law of a felony, if in accordance with KRS Chapter 335B;

Kentucky Revised Statutes KRS Chapter 322

322.180 Grounds for denial of licensure and for disciplinary action. (cont'd)

- (8) Become a chronic or persistent alcoholic or has become drug-addicted so that continued practice is dangerous to clients or to the public safety; (9) Developed a physical or mental disability or other condition so that continued practice is dangerous to clients or to the public safety;
- (9) Developed a physical or mental disability or other condition so that continued practice is dangerous to clients or to the public safety;
- (10) Violated any order of suspension or the terms or conditions of any order of probation issued by the board;
- (11) Had a license or registration certificate to practice as an engineer or land surveyor denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause licensure to be denied, limited, suspended, probated, or revoked in this state;
- (12) Engaged in conduct likely to deceive or defraud the public;
- (13) Presented or attempted to use as his or her own the license, seal, or stamp of another;
- (14) Falsely impersonated any other licensee;
- (15) Attempted to use an expired, suspended, or revoked license;

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KRS Chapter 322

322.180 Grounds for denial of licensure and for disciplinary action. (cont'd)

- (16) Provided certification for any plan, specification, plat, report, or physical description not prepared by him or her or under his or her direct supervision;
or
- (17) Applied the seal, stamp, signature, or title block of another professional engineer or professional land surveyor to a plan, specification, plat, report, or physical description that was not prepared by the other professional engineer or land surveyor.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 70, effective June 29, 2017. -- Amended 2010 Ky. Acts ch. 163, sec. 10, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 16, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 17, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 5, effective July 15, 1982. - Amended 1972 Ky. Acts ch. 148, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

Kentucky Revised Statutes KRS Chapter 322

322.180 Grounds for denial of licensure and for disciplinary action. (cont'd)

Note: Legislature amended KRS 322.180 on June 29, 2017 on their own initiative, by adding the phrase, “in accordance with KRS Chapter 335B” to paragraph (7).

In a nutshell what the addition does is it limits when a past criminal conviction can be used to deny a license. 335B.020 states, in part, “no person shall be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely because of a prior conviction, unless the crime for which convicted directly relates to the occupation for which the license is sought”.

322.180 already required a conviction to be a felony before a license could be denied. The new language requires that the felony be related to the professional license sought, i.e. engineering or surveying.

Kentucky Revised Statutes KRS Chapter 322

322.190 Investigation and resolution of complaints -- Appeals.

Any person or organization, including the board upon its own volition, may file with the executive director of the board a written complaint alleging violation of any provision of this chapter. The executive director shall cause the complaint to be investigated.

- (1) If the investigation reveals that the alleged violation did occur but was not of a serious nature, the board may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing in accordance with the provisions of KRS Chapter 13B.

Kentucky Revised Statutes
KRS Chapter 322

322.190 Investigation and resolution of complaints -- Appeals. (cont'd)

- (2) If the investigation reveals evidence supporting the complaint, the executive director shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before refusing to renew, suspending, revoking, reprimanding, imposing probation or an administrative fine, or any combination of actions regarding any license under the provisions of this chapter.
 - (a) At any time during the investigation or hearing process, the board may accept a written assurance of voluntary compliance from the licensee which effectively deals with the complaint.
 - (b) When the board issues a written reprimand to the licensee, a copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to submit a response within thirty (30) days of its receipt and to have that response filed in the permanent file.
- (3) After denying an application under the provisions of this chapter, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.

Kentucky Revised Statutes

KRS Chapter 322

322.190 Investigation and resolution of complaints -- Appeals. (cont'd)

- (4) The board may reconsider, modify, or reverse its decision on any disciplinary action.
- (5) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 17, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 18, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 273, sec. 6, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 148, sec. 14. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599e-20.

Kentucky Revised Statutes KRS Chapter 322

322.230 State Board of Licensure for Professional Engineers and Land Surveyors -- Membership -- Terms -- Oath.

- (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall consist of nine (9) members appointed by the Governor and two (2) ex officio members each with full voting rights. The ex officio members shall be the dean of the College of Engineering of the University of Kentucky and the dean of the J.B. Speed School of Engineering of the University of Louisville.
- (2) The term of each member of the board shall be four (4) years. Each member shall hold office until the expiration of the term or until a successor has been appointed and has qualified.
- (3) Before beginning a term of office, every member shall file with the Secretary of State a written oath for the faithful discharge of official duties.
- (4) No member of the board shall serve as an employee of the board.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 173, sec.1, eff. 7-15-08.- Amended 1998 Ky. Acts ch. 214, sec.20, eff. 1-1-99. Amended 1976 Ky. Acts ch. 206, sec.16. - Amended 1972 Ky. Acts ch. 148, sec.16. - Amended 1966 Ky. Acts ch. 68, sec.3 - Recodified 1942 Ky. Acts ch. 208, sec.1, eff. 10-1-42, from Ky. Stat. sec. 1599e-3.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 163, sec. 17, provides: "One professional land surveyor who is appointed under KRS 322.230 to fill a position on the State Board of Licensure for Professional Engineers and Land surveyors after the previous term for that position has expired on December 31, 2010, shall serve a term of 3 years, after which appointments to this board position shall be for a term of 4 years."

Kentucky Revised Statutes KRS Chapter 322

322.240 Qualifications of board members.

- (1) Each appointed member of the board shall:
 - (a) Be a citizen of the United States;
 - (b) Have been a resident of this state for at least five (5) years; and
 - (c) Be a resident of this state at the time of appointment and for the term of the appointment.
- (2) One (1) member of the board shall be a citizen at large who is not associated with or financially interested in the practice of engineering or land surveying.
- (3) Eight (8) members of the board shall be a professional engineer or a professional land surveyor engaged in the respective practice for at least twelve (12) years and shall have been in responsible charge of important engineering or land surveying work for at least five (5) years.
 - (a) At least five (5) members of the board shall be professional engineers licensed in Kentucky for at least four (4) years prior to the date of their appointment;
 - (b) At least three (3) members of the board shall be professional land surveyors licensed in Kentucky for at least four (4) years prior to the date of their appointment; and

Kentucky Revised Statutes KRS Chapter 322

322.240 Qualifications of board members. (cont'd)

- (3) (c) The eight (8) members shall remain professional engineers or professional land surveyors licensed in Kentucky during the term of their appointments. If a member's license is surrendered, suspended, revoked, or placed in inactive or retired status, that member shall automatically be removed from the board and the vacancy filled under KRS 322.250(5).

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 173, sec. 2, effective July 15, 2008. -- Amended 1998 Ky. Acts ch. 214, sec. 21, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 22, effective July 15, 1986. -- Amended 1976 Ky. Acts ch. 206, sec. 17. -- Amended 1972 Ky. Acts ch. 148, sec. 17. -- Amended 1966 Ky. Acts ch. 68, sec. 4. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 1599e-3, 1599e-4.

Kentucky Revised Statutes KRS Chapter 322

322.290 Functions of board.

The board shall:

- (1) Administer this chapter;
- (2) Adopt an official seal;
- (3) Provide suitable office quarters at its own expense;
- (4) Adopt and amend all bylaws and rules of procedure, and promulgate administrative regulations, consistent with the Constitution and laws of the state and reasonably necessary for the proper performance of its duties and the regulation and fair conduct of the proceedings before it;
- (5) Appoint an executive director and assistant executive directors and fix their compensation;
- (6) Employ any clerk or other assistants necessary for the proper performance of its work;
- (7) Appoint a general counsel and any assistant general counsel as it deems necessary and fix their compensation;

Kentucky Revised Statutes KRS Chapter 322

322.290 Functions of board (cont'd).

- (8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;
- (9) Appoint committees of licensees, as it deems necessary, to review issues before the board and make recommendations to the board;
- (10) Make expenditures, as it deems necessary, for any purpose that it considers reasonably necessary for the proper performance of its duties, including paying the expenses of the board's delegates to national conventions of and membership dues to the National Council of Examiners for Engineering and Surveying or other affiliated national boards or societies;
- (11) Adopt and promulgate by administrative regulation a code of professional practice and conduct, which shall be based upon generally recognized principles of professional ethical conduct and binding upon persons licensed under this chapter. A code of professional practice and conduct shall be made known to all licensees and applicants and shall include but not be limited to the following objectives;

Kentucky Revised Statutes KRS Chapter 322

322.290 Functions of board (cont'd).

- (11) (a) The protection of the public health, safety, and welfare;
- (b) The maintenance of standards of objectivity, truthfulness, and reliability in public statements;
- (c) The avoidance of conflicts of interest;
- (d) The prohibition of solicitation or acceptance of engineering or land surveying work on any basis other than qualifications for the work offered;
- (e) The prohibition of association with any person engaging in illegal or dishonest activities; and
- (f) The limitation of professional service to the area of competence of the licensee;

(Enables 201 KAR 18:142 – Code of Professional Practice and Conduct)

- (12) Adopt appropriate standards of practice;

(Enables 201 KAR 18:150 – Standards of Practice)

- (13) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish rules for the use of stamps, seals, and signatures in electronic transactions;

Kentucky Revised Statutes KRS Chapter 322

322.290 Functions of board (cont'd).

- (14) Bring, in its name, injunctive proceedings in the Franklin Circuit Court to enjoin any person, business entity, or combination thereof in violation of KRS 322.020 or KRS 322.060;
- (15) Adopt a program for continuing education for its individual land surveyor licensees. No individual land surveyor licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, in addition to any other requirement for renewal. The program for continuing education shall not exceed a total of eight (8) credit clock hours per year and shall not include testing or examination of the licensee in any manner; and
(Enables 201 KAR 18:192 – Continuing Professional Development)
- (16) Adopt a program for continuing education for its individual engineer licensees.
 - (a) The program for continuing education shall not exceed a total of fifteen (15) credit clock hours per year and shall not include testing or examination of the licensee in any manner.

Kentucky Revised Statutes

KRS Chapter 322

322.290 Functions of board (cont'd).

- (16) (b) No individual engineer licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, except as provided in paragraph (c) of this subsection, in addition to any other requirement for renewal.
- (c) Any person licensed under this chapter as a professional engineer prior to January 1, 1972, who has maintained his or her license in good standing since becoming licensed shall not be subject to any continuing education requirements.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 16, sec. 2, effective 7/26/2007.- Amended 2000 Ky. Acts ch. 238, sec. 1, effective 7/14/2000. – Amended 1998 Ky. Acts ch. 214, sec. 26, effective 1/1/1999. – Amended 1992 Ky. Acts ch. 82, sec. 1, effective 7/14/1992.- Amended 1986 Ky. Acts ch. 291, sec.25, effective 7/15/1986. – Amended 1982 Ky Acts ch. 273, sec.8, effective 7/15/1982. – Amended 1972 Ky. Acts ch. 148, sec 22.-Recodified 1942 Ky. Acts ch. 208, sec. 1, effective 10/01/1942, from Ky. Stat. secs. 1599e-3, 1599e-8, 1599e-9, 1599e-21, 1599e-23.

Legislative Research Commission Note (6/26/2007). Under the authority of KRS 7.136(1), the Reviser of Statutes has changed the internal numbering system and rearranged some text of subsection (16) of this statute. No words were changed in the process.

**Kentucky Revised Statutes
KRS Chapter 322**

322.340 Licensee to obtain seal or stamp -- Use of seal or stamp.

- (1) Each professional engineer or professional land surveyor shall, upon licensure, obtain a seal or stamp of the design authorized by the board, bearing his or her name, license number, and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor."
- (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted in accordance with administrative regulations promulgated by the board under KRS 322.290(13).
- (3) The seal or stamp, signature, and the date shall be used to provide certification for all reports, specifications, drawings, and plans, if presented to a client or any public or governmental agency. Reproduction of original signatures shall be adequate to meet the requirements of this subsection.
- (4) The seal or stamp and signature shall be used by licensees only if the work being stamped was under the licensee's complete direction and control.

**Kentucky Revised Statutes
KRS Chapter 322**

322.340 Licensee to obtain seal or stamp -- Use of seal or stamp (cont'd)

- (5) Every survey plat and physical description prepared by a professional land surveyor and submitted to a client or any public or governmental agency shall display the certification by the professional land surveyor under whose supervision the plat or description was prepared.
- (6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal, stamp, or signature to any document described in subsection (3) or (5) of this section:
 - (a) After the expiration of a license; or
 - (b) For the purpose of aiding or abetting any other person to evade or attempt to evade any provisions of this chapter.
- (7) A professional engineer shall check and have complete dominion and control of the design and engineering work of any engineer not licensed to practice in this state. Complete dominion and control shall include possession of the sealed and signed reproducible construction documents with all supporting design calculations, indicating all changes in the design.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 238, sec. 2, eff. 7-14-00.- Amended 1998 Ky. Acts ch. 214, sec.30, eff. 1-1-99. Amended 1986 Ky. Acts ch. 291, sec.29, eff.7-15-86. - Amended 1972 Ky. Acts ch.148, sec.25. - Recodified 1942 Ky. Acts ch. 208, sec.1, eff. 10-1-42, from Ky. Stat. sec. 1599e-15.

Kentucky Revised Statutes KRS Chapter 322

322.400 Plats or surveys not to be recorded unless certified by a professional land surveyor.

No county clerk of any county, or any other public authority, shall accept for filing, file, or record any map, plat, survey, or other document related to the practice of land surveying, unless it evidences certification by a professional land surveyor by whom, or under whose personal supervision and direction, the map, plat, survey, or other document was prepared.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 34, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 34, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 482, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 68, sec. 9.

Kentucky Revised Statutes KRS Chapter 322

322.450 Persons exempt from law.

The provisions of this chapter relating to the necessity of licensure to engage in the practice of land surveying shall not apply to any employee or employees of the Kentucky Transportation Cabinet, or any other subdivision of the government of the Commonwealth of Kentucky, working under the direct supervision and control of a professional engineer or professional land surveyor.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 163, sec. 14, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 214, sec. 36, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 36, effective July 15, 1986. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Amended 1972 Ky. Acts ch. 148, sec. 29. -- Created 1966 Ky. Acts ch. 68, sec. 11.

Kentucky Revised Statutes
KRS Chapter 322

322.470 Right of entry on land of others by land surveyor -- Notification of landowner -- Liability of landowner.

As used in this section, "professional land surveyor" shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.

- (1) A professional land surveyor may go on, over, and upon the lands of others if necessary to perform surveys for the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles.
 - (a) Entry under the right hereby granted shall not constitute trespass; and
 - (b) A professional land surveyor shall not be liable to arrest or a civil action by reason of this entry.
- (2) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner; and nothing in this section shall be construed as removing civil liability for these damages.

Kentucky Revised Statutes
KRS Chapter 322

322.470 Right of entry on land of others by land surveyor -- Notification of landowner -- Liability of landowner. (cont'd)

- (3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.
- (4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under the provisions of this section.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 38, effective January 1, 1999. -- Amended 1986 Ky. Acts ch. 291, sec. 37, effective July 15, 1986. -- Created 1982 Ky. Acts ch. 115, sec. 1, effective July 15, 1982.



201 KAR 18:142. Code of Professional Practice and Conduct

201 KAR 18:142. Code of professional practice and conduct

RELATES TO: KRS 322.060, 322.180 (3), 322.290 (11)

STATUTORY AUTHORITY: KRS 322.290 (11)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(11) requires the board to promulgate a code of professional practice and conduct, which shall be binding upon persons licensed under KRS Chapter 322. This administrative regulation establishes a code of professional practice and conduct.

SECTION 1. Definitions.

- (1) “Conflict of Interest” means any circumstance in which a licensee has a private or personal interest sufficient to appear to influence or possibly influence the objective exercise of the licensee’s professional duty to the public, his or her employer, or current client. The private or personal interests of the licensee include the personal or business interests of the members of the licensee’s family, his or her close relatives, or business associates.
- (2) “Direct supervisory control” in the practice of engineering means that an engineer licensee directly supervises and takes responsibility for consultation, investigation, evaluation, planning, design, and certification of an engineering project and includes only that work performed by an employee as defined in subsection (4) of this section.

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SECTION 1. Definitions. (cont'd)

- (3) “Direct supervisory control” in the practice of land surveying means that a surveyor licensee who certifies a work product directly supervises and takes responsibility for the survey and includes only that work performed by an employee as defined in subsection (4) of this section.
- (4) “Employee”
 - (a) Means a person who works for a licensee or his or her employer for wages or a salary and includes professional and technical support personnel contracted on a temporary or occasional basis, if the compensation is paid directly by the licensee or his or her employer; and
 - (b) Does not mean a person who provides services to the licensee as an outside consultant or specialist.
- (5) “Licensee” means any natural person licensed by the board to practice professional engineering or professional land surveying, or any business entity permitted under KRS 322.060.
- (6) “Work product” means any engineering or land surveying plan, plat, document or other deliverable requiring certification that is intended to represent activities conducted in the practice of engineering or land surveying.

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SECTION 2. The engineer or land surveyor shall conduct his or her practice in order to protect the public health, safety and welfare. If a licensee's judgement is overruled and a licensee has reason to believe the public health, safety or welfare may be endangered, the licensee shall inform his or her employer or client of the possible consequences and, if not resolved, notify appropriate authorities.

SECTION 3. A licensee shall issue all professional communications and work products in an objective and truthful manner.

(1) A licensee shall be objective and truthful in all professional reports, statements or testimony and shall include all material facts.

(2) (a) If serving as an expert or technical witness before any tribunal, a licensee shall:

1. Express an opinion only if it is founded on adequate knowledge of the facts in issue, on the basis of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of that testimony; and
2. Shall act with objectivity and impartiality.

(b) A licensee shall not ignore or suppress a material fact.

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SECTION 3. (cont'd)

- (3) A licensee shall not issue a statement or opinion on professional matters connected with public policy unless the licensee has:
 - (a) Identified himself or herself;
 - (b) Disclosed the identity of the party on whose behalf the licensee is speaking; and
 - (c) Disclosed any pecuniary interest the licensee may have in the matter.
- (4) A licensee shall not maliciously injure the professional reputation, prospect, practice or employment of another licensee.
- (5) A licensee shall not accept a contingency fee for serving as an expert witness before any tribunal.
- (6) A licensee shall maintain for a period of not less than five (5) years, calculations and documents necessary to support work products.
- (7) A professional land surveyor shall maintain records for boundary surveys under 201 KAR 18;150, Section 10(2) and (3).
- (8) The requirements of subsections (6) and (7) of this section shall be satisfied for the individual licensee employed by a business entity permitted by the board in conformance with KRS 322.060 by that permitted entity's compliance with subsections (6) and (7) of this section.

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SECTION 3. (cont'd)

- (9) A licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive, or unfair statement regarding the cost, quality, or extent of services to be performed.
- (10) A licensee shall not misrepresent his or her professional qualifications or experience, or those of the licensee's associates.

SECTION 4. A licensee shall avoid conflicts of interest. A professional engineer or land surveyor shall act objectively and independently.

- (1) If a situation occurs in which a reasonable person would think that a licensee's professional judgement is likely to be compromised, a licensee shall promptly disclose the possibility of the conflict of interest to his or her employer, or client, and shall, if reasonably possible, withdraw from participation in the situation that gave rise to the conflict of interest.
- (2) A licensee shall not accept a valuable consideration from more than one (1) party for services pertaining to the same project, unless the circumstances are fully disclosed to all other principal parties directly involved in the project.

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SECTION 4. (cont'd)

- (3) A licensee shall not solicit or accept a valuable consideration from any vendor, contractor, or client, or their agents for acceptance, rejection, approval, or disapproval of any work performed by others, or for specifying materials or equipment in connection with work for which the licensee is responsible.
- (4) A licensee serving as a member, advisor, or employee of a governmental body shall not, while utilizing either his or her status as a licensed professional engineer or land surveyor, or his or her skill, experience, or knowledge as a licensed professional engineer or land surveyor, participate in decisions in which he or she has a private or personal interest, and shall not review or approve work that was performed by the licensee, or by others, on behalf of a business entity in which the licensee has any control, or private or personal interest.

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SECTION 5. A licensee shall solicit or accept engineering or land surveying work only on the basis of his or her, or the licensee's firm's or associates' qualifications for the work offered.

- (1) A licensee shall not offer or accept any valuable consideration in order to secure specific work, exclusive of commissions paid by individual licensees for securing salaried positions through employment agencies. A licensee may participate in design-build projects.
- (2) A licensee may advertise professional services if the advertising is not false or misleading.

SECTION 6. A licensee shall not knowingly associate with any person engaging in fraudulent, illegal or dishonest activities.

- (1) A licensee shall not permit the use of his or her, or the licensee's business entity's name by any person or business entity that he or she knows or has reason to believe is engaging in fraudulent, dishonest or illegal activities.
- (2) A licensee shall not aid or abet the illegal practice of engineering or land surveying.

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SECTION 7. A licensee shall perform his or her services only in the areas of his or her competence.

- (1) A licensee shall undertake to perform professional assignments only if qualified by education or experience in the specific technical field involved.
- (2) A licensee may accept an assignment requiring education or experience outside his or her own field of competence, but only to the extent that his or her services are restricted to those parts of the project in which the licensee is competent. All other parts of the project shall be certified by licensed associates, consultants or employees.
- (3) If a question of the competence of a licensee to perform a professional assignment in a specific technical field is an issue and cannot be otherwise resolved the board, upon a majority vote or upon request by the licensee, may require the licensee to satisfactorily complete an examination.

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SECTION 8. Except as provided by this section, a licensee shall not certify any work product dealing with subject matter in which he or she lacks competence by virtue of education or experience, or any work product not prepared by him or her under his or her direct supervisory control.

- (1) A professional engineer may review and certify the work product of another professional engineer if:
 - (a) The review and certification are made at the request of the other professional engineer;
 - (b) He or she does not remove or obliterate the identity of the other professional engineer;
 - (c) He or she performs and retains in his or her possession for not less than five (5) years all calculations and documents necessary to perform an adequate review; and
 - (d) He or she confirms that the other professional engineer was licensed when the work was created.
- (2) If a professional engineer undertakes to review only a portion of the work product of another professional engineer, his or her certification shall clearly identify the portion reviewed.

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SECTION 8. (cont'd)

- (3) A professional engineer may modify the work project of another professional engineer, whether or not the project has been built, if he or she retains in his or her possession for not less than five (5) years a record of his or her modifications.
- (4) If a professional engineer modifies the work product of another professional engineer, his or her certification shall clearly identify, by words or graphics, that portion that was modified.
- (5) A professional engineer may incorporate in his or her work product the designs of manufactured or standard components developed by manufacturers, suppliers or professional or technical societies and associations.
- (6) If, in the professional land surveyor's reasonable judgment, his or her personal participation is not required in performing a particular aspect of a project, he or she may delegate those tasks to an employee, if all work is actually reviewed by the licensee.

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SECTION 8. (cont'd)

- (7) The need for a professional land surveyor to make a site visit shall be dictated by the nature, size and complexity of a project. The failure to make a site visit in a substantial percentage of surveys may be construed as a failure to exercise direct supervisory control.
- (8) While an employee may investigate the circumstances of a potential project, only a licensee may establish the scope of work to be performed.

SECTION 9. The professional engineer or professional land surveyor shall avoid conduct likely to discredit or reflect unfavorably upon the dignity or honor of his or her profession.

SECTION 10.(1) If a licensee has knowledge or reason to believe that any person or other licensee is in violation of KRS Chapter 322 or 201 KAR Chapter 18, the licensee shall submit to the board in writing the relevant information within his or her knowledge.

- (2) A licensee, upon request by the board, shall cooperate with the board in an investigation, by providing any relevant information within his or her knowledge.

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SECTION 11.

- (1) A licensee shall not, directly or indirectly, contact a board member concerning any ongoing disciplinary action, or any existing investigation being conducted by the board staff.
- (2) Any communication by a licensee concerning an ongoing disciplinary action or an existing investigation shall be directed to a board staff member.

SECTION 12. A licensee who is in doubt about the ethical propriety of any professional act or omission contemplated by that licensee may request an informal opinion from the executive director of the board.

- (1) The request shall be in writing or by email with the subject line of “Request for Advisory Opinion Pursuant to 201 KAR 18:142” The request shall include the name and address of the licensee making the request, a phone number and email address at which the licensee can be contacted, and all relevant information.

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SECTION 12. (cont'd)

- (2) Based on the information provided in the request, the executive director shall respond in writing as to the ethical propriety of the act or course of conduct in question.
- (3) A licensee shall not be disciplined for any professional act performed by that licensee in compliance with the written advisory opinion furnished by the executive director pursuant to the licensee's written request, if the licensee's written request clearly, fairly, accurately, and completely states the licensee's contemplated professional act and all relevant information. (27 Ky.R. 2603; Am. 3122; 3239, eff. 6-8-2001; 35 Ky.R. 2337; 2768; 36 Ky.R. 25; eff. 7-31-2009; T.Am. 4-4-2011; 39 KY.R. 2383; 40 Ky.R. 278; eff. 9-6-2013; 42 Ky.R. 831; 1478; eff. 12-4-2015.)

201 KAR 18:150. Standards of Practice

Brief History of the 2010 Rewrite

The 2010 revision represents only the third iteration of the codified set of standards. Previous versions were adopted in 1984 and 1998.

- Questions regarding the timing of setting monuments lead to the Board creating a task force to review the current standards of practice. GPS surveying was also a driving force behind the current revision. The task force began reviewing the 1998 standards and determined that an update was necessary in order to address the above issues.
- The last attempt at a rewrite was put on hold in 2003. Issues regarding what should be considered a “boundary” stalled the document.
- After actively working on the since October 2008, it was recommended to the full Board on 7-1-2010 and approved on 7-15-2010.
- The document was approved by the Administrative Regulation Review Subcommittee on 10-12-2010 and regulation became effective December 3, 2010. A clean copy of the regulation was posted on the LRC website on January 6, 2011. You can view it at the following link:

<http://www.lrc.ky.gov/kar/201/018/150.htm>

1984 MTS Standards

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MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN KENTUCKY ADOPTED: JANUARY 31, 1984 EFFECTIVE: JULY 1, 1984

PREAMBLE

The Land Surveyor and the general public must understand that a land survey does not establish land ownership. Such a function is the purview of the courts. The Land Surveyor does perform the important service of marking on the ground what, in his opinion, the Deed of Conveyance purports to transfer. In fact, the Land Surveyor's marks on the ground constitute the actual survey. Field notes, drawings and descriptions are merely the written record of the Land Surveyor's work.

This minimum standard of practice is to govern surveying in the Commonwealth of Kentucky as defined by KRS 322 and any document purporting to represent a survey must conform to these minimum standards. Any failure to comply with these standards on the part of a practitioner shall constitute misconduct, gross negligence or incompetence in the practice of land surveying.

RESEARCH

The Land Surveyor shall obtain the necessary land records including adjoiner's deeds to insure that the proper description of the land to be surveyed has been obtained. The Land Surveyor shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known to them. Evidence divulged by the field survey shall be carefully compared with the completed research in order to establish the boundaries of the land being surveyed. Research as required herein is solely intended for the location of land boundaries and does not include the determination of title or encumbrances.

MEASUREMENT SPECIFICATIONS

Based upon consultation with the client and their knowledge of local regulations, requirements and conditions, the Land Surveyor shall determine the appropriate precision required for the subject survey. Upon completion

of the survey, the precision of the actual survey shall be related to the positional tolerance of location of any point/monument incorporated into the survey.

POSITIONAL TOLERANCE is defined as the maximum distance that any point/monument of the survey may be mislocated with respect to any other point/monument as opposed to its theoretical location, by state-of-the-art equipment, given the location of any one point/monument and the determination of the meridian used for the survey. It represents the radius in feet, from the theoretically correct point.

The relative precision shall meet or exceed the following:

The true horizontal distance between any two points whose positions are stated relative to each other, whether directly or indirectly by calculation, shall not differ from the reported distance by more than 1 part in 2,500 plus 0.10 feet (this standard shall become 1 part in 5,000 plus 0.10 feet as of July 1, 1985).

MONUMENTATION

Every land survey shall be monumented or witness monumented at all boundary corner locations. Every monument set by a Land Surveyor shall be of a substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or identifier.

Existing **PERMANENT** man-made or natural features are acceptable monuments. Some permanent man-made or natural features are subject to change, realignment or misinterpretation. Such monuments or features shall be "witness monumented".

"Witness monumentation" refers to the setting of an offset monument when it is not possible or practicable to set the actual corner. Whenever witness monumentation is used, it should be placed "on line" if possible and shall be shown on plats and called for in descriptions.

DOCUMENTATION (Descriptions, Plats, etc.)

The monuments noted and left by the Land Surveyor constitute the actual survey. However, descriptions and plats of survey are the most frequent written records of the survey given the dignity of publication and recordation.

Descriptions

Any description written by a Land Surveyor for the purpose of defining land boundaries shall be complete and accurate and be based upon the completed field survey. All descriptions shall contain the following details:

1. Location in reference to a major physical feature or primary control network;
2. Reference to its source of title;
3. Metes and bounds of the tract shall be given in order;
4. Objects or monuments marking the corners shall be described, and if any boundary follows some prominent feature of the terrain, the fact shall be stated;
5. Calculated area of the tract.

Plats Of Survey

All final plats of surveys prepared in the Commonwealth of Kentucky must be drawn to scale on durable, dimensionally stable media and clearly contain the following information:

1. The direction and length of each line. Geometrically curved lines must be identified with sufficient curve data to define the curve.
2. The area of the land being surveyed.
3. A description of all the monuments including a notation as to whether found or set.
4. At least one corner referenced to a corner of the parent tract, or durable physical object, or a primary control network (i.e., state plane coordinates).
5. Names of roads, and adjoiners and/or subdivision lot designations and title references if discovered in the course of performing the survey.
6. Encroachments discovered in the course of the survey.

7. A north point or reference meridian.
8. A vicinity map of sufficient detail to find the land being surveyed, unless the location of the subject property is definitely shown by the plat itself.
9. A statement as to whether or not the directions and distances as shown on the plat have been adjusted for closure.
10. A statement as to the basis of the reference meridian used to determine the directions of survey lines. If a magnetic meridian is used, this meridian should be related to objects not effected by this survey.
11. The dated signature and seal of the Land Surveyor responsible for the survey.
12. Written and Graphic Scale.
13. A title block containing the following:
 - a. Title of the survey.
 - b. Location of the land being surveyed.
 - c. Name and address of the Land Surveyor or the surveying firm.
 - d. Name and address of client.

An example of an acceptable plat of survey is included as Appendix A.

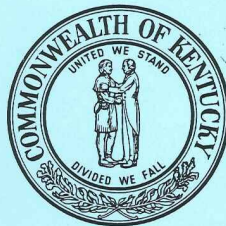
MISCELLANEOUS

PRELIMINARY PLATS AND/OR OTHER NON-RECORDABLE DOCUMENTS — All preliminary plats or other non-recordable documents shall be marked as to their intended use. These documents should not be sealed, example marking would be "PRELIMINARY — NOT FOR RECORDING OR LAND TRANSFER".

PARTIAL SURVEYS — When a client desires only a portion of his property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these standards shall apply to the survey of only the desired portion. The remainder of a tract, out of which a portion has been surveyed, may be shown on a plat of the portion surveyed out for identification purposes only and any subsequent description of that remainder requires a separate survey of that remainder in order to prepare such description.

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Kentucky State Board of Registration
for Professional Engineers and Land Surveyors
Route 3, 96-5, Millville Road
Frankfort, Kentucky 40601



COMMONWEALTH OF KENTUCKY

Kentucky State Board of Licensure for Professional Engineers & Land Surveyor

**The Standards of Practice (Boundary Surveys)
201 KAR 18:150**

**Minimum Standards of Practice for Mortgage Inspections
201 KAR 18:200**

**Kentucky Engineering Center
160 Democrat Drive
Frankfort, KY 40601
(502) 573-2680 Phone
(502) 573-6687 Fax
<http://www.kyboels.org>**

201 KAR 18:150. Standards of Practice

RELATES TO: KRS 322.290(1)(a), (2)(f)

STATUTORY AUTHORITY: KRS 322.290(2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(1)(a) authorizes the board to administer KRS Chapter 322. KRS 322.290(2)(f) requires the board to establish standards of practice. This administrative regulation establishes standards of practice for professional land surveyors in Kentucky.

Section 1. Definitions.

- (1) "Boundary" means the perimeter of a parcel or tract of land.
- (2) "Boundary survey" means a survey to:
 - (a) Determine either the entire perimeter of a parcel or tract of land, or a portion of the perimeter of a parcel or tract of land;
 - (b) Establish or reestablish a parcel or tract of land's corner or monument; or
 - (c) Divide or consolidate the parcels or tracts of land surveyed.
- (3) "Completion Date of Survey" means the last date when all the monuments were either found or set for the plat of survey area.
- (4) "Corner" means a point that designates a change in the direction of the boundary.

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Section 1. Definitions (cont'd).

- (5) "Field work" means that work performed by a land surveyor on the ground in connection with the parcel or tract being surveyed.
- (6) "GIS" means Geographic Information System and is any system that captures, stores, analyzes, manages, and presents data that are linked to a land location and is the merging of cartography and database technology.
- (7) "GNSS" means Global Navigation Satellite Systems. The standard generic term for satellite navigation systems that provide autonomous geo-spatial positioning with global coverage.
- (8) "GPS" means the United States NAVSTAR Global Positioning System, a space-based global navigation satellite system that when used in conjunction with suitable GPS receivers and processing software, provides reliable location information to the level of precision specified in this administrative regulation, in all weather and at all times and anywhere on the earth where there is an unobstructed line of sight to four (4) or more GPS satellites.

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Section 1. Definitions (cont'd)

- (9) "Meander point" means a survey point or station marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.
- (10) "Monument" means an artificial, manmade or natural object that is used as, or presumed to occupy, any of the following locations:
 - (a) A property corner;
 - (b) A point on the boundary; or
 - (c) A reference point.
- (11) "Plat" means any representational drawing created by a land surveyor reflecting work falling within the definition of land surveying.
- (12) "Plat of survey" means a finished drawing of a completed survey of a parcel or tract of land, used to depict the final results of a boundary survey, drawn on a dimensionally stable media suitable for reproduction of copies.
- (13) "Point on Line" means a point on a boundary line other than a corner.

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Section 1. Definitions (cont'd)

- (14) "Reference monument" means a monument:
 - (a) That does not occupy the same defined position as a property corner; and
 - (b) Whose relationship to the corner of the property is established by bearing and distance to the actual corner.
- (15) "Relative Positional Accuracy" means the value expressed in feet that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.
- (16) "Retracement survey" means a boundary survey of an existing parcel or tract of land.

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Section 2. Application.

- (1) Boundary surveys. The standards of practice established in Sections 1 through 12 of this administrative regulation:
 - (a) Shall apply to the work product related to:
 1. Boundary surveys used for the purpose of creating, depicting, or locating interests in land;
 2. Partial surveys;
 3. Boundary surveys of leases; and
 4. Deed descriptions written by professional surveyors;
 - (b) Shall be the minimum standards of practice for a professional land surveyor; and
 - (c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
 1. An agency;
 2. An owner;
 3. A contract; or
 4. The professional land surveyor.
 - (d) Shall not apply to surveys to determine or define political areas including historical, school, fire, voting, utility or magisterial districts, municipal or county limits, or governmental permit limits.

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Section 2. Application (cont'd).

- (2) Land surveying work other than boundary surveys. The standards of practice established in Sections 1, 2, 3, and 13 of this administrative regulation:
 - (a) Shall apply to the work of the professional land surveyor falling within the definition of land surveying, but not falling within the definition of a boundary survey;
 - (b) Shall be the minimum standards of practice for a professional land surveyor for that work; and
 - (c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
 - 1. An agency;
 - 2. An owner;
 - 3. A contract; or
 - 4. The professional land surveyor.

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Section 3. Compliance.

- (1) Failure to comply with this administrative regulation shall constitute misconduct, gross negligence, incompetence, or a combination of these violations in the practice of professional land surveying.
- (2) A professional land surveyor shall not represent that:
 - (a) A boundary survey determines land ownership; or
 - (b) A boundary survey provides more than evidence of rights in land; or
 - (c) Land ownership can be established by any survey.

Section 4. Actual Boundary Survey.

- (1) The marks and monuments on the ground as found and verified, or as set by a professional land surveyor shall constitute the actual boundary survey.
- (2) Any plat of survey shall accurately represent the actual boundary survey.
- (3) Record research and field work required by the provisions of this administrative regulation:
 - (a) Shall be used by a professional land surveyor to determine the location of the boundary of the property to be surveyed; and
 - (b) Shall not be used by a professional land surveyor to determine title.

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Section 5. Record Research. In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

- (1) The present and relevant historical record descriptions of:
 - (a) Each parcel to be surveyed; and
 - (b) Each adjoining parcel;
- (2) The description of the physical monument that represents each property corner;
- (3) All other relevant documents of record including deeds and prior plats and surveys;
- (4) All other relevant public agency records including tax maps, GIS maps, and topographic maps; and
- (5) Any other available data or documents pertinent to the boundary survey.

Section 6. Field Work. A professional land surveyor shall thoroughly:

- (1) Search for the physical monuments that represent each boundary corner;
- (2) Search for other physical monuments set out in the description of the parcel or tract of land being surveyed;

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Section 6. Field Work. (cont'd)

- (3) Gather, analyze, and document evidence of occupation and physical evidence;
- (4) Gather, analyze, and document relevant parol evidence; and
- (5) Compare evidence discovered by field work, with that discovered by record research, to determine or reestablish the boundary of the tract or parcel of land being surveyed.

Section 7. Measurement Specifications.

- (1) Every measurement made as a part of a boundary survey shall comply with the following:
 - (a) The standards for accuracy and precision established by the provisions of this section; or
 - (b) Standards for accuracy and precision that exceed the standards established by the provisions of this section but are:
 - 1. Requested by the client;
 - 2. Required by contract;
 - 3. Required by the agency or entity to which the plat of survey is to be presented; or
 - 4. Deemed desirable or necessary by the land surveyor.

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Section 7. Measurement Specifications. (cont'd)

- (2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:
 - (a) Adjusted;
 - (b) Maintained; and
 - (c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (5) of this section.
- (3) A boundary survey shall be conducted utilizing a method of measurement that achieves the appropriate minimum tolerance specified in subsection (5) of this section.
- (4) A boundary survey for platting or describing a parcel or tract of land shall be classified as "Urban" or "Rural".
 - (a) An Urban survey shall:
 - 1. Consist of urban or suburban land; and
 - 2. Include a parcel or tract of land lying within, or adjacent to:
 - a. A city or town limit;
 - b. A commercial business area;
 - c. An industrial area; or
 - d. A residential area that is outside a city or town limit and contains subdivided lots smaller than five (5.0) acres.

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Section 7. Measurement Specifications (cont'd)

- 4) (b) A Rural survey shall apply to all land not classified as "Urban".
- 5) Table of Specifications by Class: Classification of Surveys

	Urban	Rural	Remarks
Unadjusted Closure (Minimum)	1:10,000	1:5,000	Loop or Between Control Monuments
Angular Closure (Maximum)	15" N	30" N	N = Number of Angles in Traverse
Accuracy of Distances	+/-0.05'+100 PPM	+/-0.10'+200 PPM	100PPM=1:10,000
Relative Positional Accuracy	+/-0.05'+100 PPM	+/-0.10'+200 PPM	

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Section 8. Global Positioning Systems.

- (1) It shall be acceptable practice to incorporate the use of survey grade GPS equipment into any boundary survey. The accuracy and precision of all measurements made with that equipment shall, at a minimum, meet all other accuracy and precision standards required otherwise by law or rules under Section 7(5) of this administrative regulation. If using GPS equipment in the course of a boundary survey, the professional land surveyor shall state on the face of the plat of survey, the following:
 - (a) A note stating what portion (or all) of the boundary survey was performed using GPS equipment;
 - (b) The type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used;
 - (c) The type of GPS survey that was performed, including static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.;
 - (d) A note that discloses the precision of the GPS work done, either in relative positional accuracy, or vector closure.
 - (e) A statement identifying the horizontal datum, the vertical datum, and the Geoid model used; and

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Section 8. Global Positioning Systems (cont'd)

- (2) The professional land surveyor shall at a minimum retain adequate documentation, in either paper or electronic format, of raw field data, adjustment calculations and closure, or relative positional accuracy calculations or computations necessary to support the accuracy and precision of the work product.

Section 9. Monumentation.

- (1) Monumentation standards established in this section shall apply to all boundary surveys:
- (2) Unless an adequate monument already exists at each boundary corner, a professional land surveyor shall set a monument or a reference monument at each corner of the boundary as provided in this section.

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Section 9. Monumentation (cont'd).

- (3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:
 - (a) "Typical and Preferred" an iron rod, iron pipe, or iron pin that is:
 - 1. Not less than one-half ($1/2$) inch in diameter and eighteen (18) inches in length;
 - 2. Equivalent to, or greater than, schedule-forty (40) weight if pipe is utilized; and
 - 3. Identified with a cap bearing the license number of the professional land surveyor under whose direct supervision the survey was performed, and which cap does not display any other license number.
 - (b) "Non-typical" to be used only when it is not practical to set the monuments described in subsection (a) of this subsection, and that:
 - 1. Preferably contains a ferrous material or is otherwise capable of being located with a magnetic locator, and may include P. K. or mag nails at least one $1\frac{1}{2}$ and one-half inches in length; and
 - 2. Is identified with the license number of the professional land surveyor under whose direct supervision the survey was performed, and does not display any other license number.

201 KAR 18:150. Standards of Practice

Section 9. Monumentation (cont'd)

- (3) (c) "Alternate" to be used only when it is not practical to set the monuments described in subsections (a) and (b) of this subsection and may include railroad spikes, mine spikes, cross-cuts, chisel cuts, drill holes and curb notches, and shall be referenced to a durable, physical feature.
- (4) A boundary corner shall be identified by a reference monument if it is impractical to set a monument at the corner for either of the following reasons:
 - (a) The corner is likely to be disturbed; or
 - (b) The corner is inaccessible.
- (5) A reference monument shall be set on the boundary line, if practicable, to perpetuate the location of each corner.
- (6) A professional land surveyor shall set each monument in a manner to avoid or minimize the likelihood of its destruction.

201 KAR 18:150. Standards of Practice

Section 9. Monumentation (cont'd)

- (7) A professional land surveyor may use a tree as a monument under the following conditions:
 - (a) A tree may be established as a corner monument only on a Rural boundary survey. Each tree utilized as a monument shall be marked in a conspicuous manner that is both physical and permanent and will not otherwise be harmful to the tree.
 - (b) A tree that a professional land surveyor establishes as a corner monument shall meet the following criteria:
 - 1. Be at least ten (10) inches in diameter at breast height;
 - 2. Be in sound condition;
 - 3. Be marked in a conspicuous manner that is both physical and permanent; and
 - 4. Be clearly described by size, species, and method of marking, on the plat and in the written description.
 - (c) Trees shall not constitute more than fifty (50) percent of the established monuments for a rural boundary survey.
 - (d) For an urban retracement survey in which a tree is found to be the monument of record, the tree shall be reference-monumented.

201 KAR 18:150. Standards of Practice

Section 9. Monumentation (cont'd)

- (8) A corner monument that a professional land surveyor has determined is not of sound condition, fails to meet the standards established in this administrative regulation, or is inadequate under the definition of monument within this administrative regulation, shall be reference-monumented to perpetuate the corner location. All existing record monuments discovered during the performance of the survey shall be preserved and shall not be altered or destroyed.
- (9) (a) Linear monuments may consist of a watercourse, ridge, road, or cliff, and:
 - (b) 1. The point at which a boundary line intersects a linear monument shall be monumented or reference monumented; and
 - 2. A physical feature that represents a linear monument shall be monumented or reference monumented at a minimum of every 1,000 feet, and those monuments shall be set in intra-visible pairs not to exceed 1,000 feet in spacing between pairs.
- (10) All monumentation shall be set prior to the time the plat of survey, or record plat is issued by the surveyor. The signing and sealing of a survey plat is certification by the professional land surveyor that all corners shown on the plat are set on the ground.

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys.

- (1) A plat of survey shall be required to be given to the client when the professional land surveyor does any of the following:
 - (a) Surveys a new boundary line;
 - (b) Retraces the boundary lines of a previously established boundary; or
 - (c) Determines that the current physical description or plat does not accurately depict the actual conditions found during the course of performing the survey.
- (2) A professional land surveyor shall retain as permanent records the original plat of survey prepared by the land surveyor, or a copy thereof, and a copy of any new physical description that was prepared from the survey.
- (3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:
 - (a) Research documents including notations stating the source of each;
 - (b) Field and office notes;
 - (c) Electronic and magnetically stored field data;

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys (cont'd).

- (3) (d) Documents of calculation stating the:
 - 1. Relative positional accuracy or closure as required by Section 7 of this administrative regulation;
 - 2. Adjustment method;
 - 3. Bearing reference datum; and
 - 4. Determination of corners;
 - (e) Plat of survey and written description, if any, of the surveyed parcel or tract of land;
 - (f) All other pertinent information necessary to reproduce the boundary survey; and
 - (g) All other pertinent information supporting the location of the boundary lines and corners of the boundary survey.
- (4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:
- (a) The general location of the land that was surveyed;
 - (b) The specific location of the land in reference to a major physical feature or recognized control network;
 - (c) The reference of at least one (1) boundary corner to a corner of the parent tract;

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys (cont'd).

- (4) (d) The direction and length of each line, as follows:
 - 1. Each bearing represented in degrees, minutes and seconds with each distance represented to the hundredths of a foot;
 - 2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and
 - 3. A description of each prominent terrain feature, if any, that the boundary follows;
- (e) A notation as to whether each monument was found or set;
- (f) The identification of each tree utilized as a new corner monument, including breast height diameter, species of tree, method of marking, and a notation whether the tree is a record monument or a newly established monument;
- (g) A complete description of each "set" monument, to include, if appropriate, the monument's length, diameter, type of material and the identifying cap or other identifier that was used;

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys (cont'd).

- (4) (h) A complete description of each "found" monument that complies with the following:
 - 1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and
 - 2. To the extent possible, the description shall include the monument's dimensions, type of material and the identification cap or other identifier that was used;
- (i) A description of the location of any cemetery or grave site that is observable or evident during the performance of the field work, or discovered from the required research;
- (j) The record source of the land surveyed and the names and record sources of all adjoining property owners;
- (k) The calculated area of the land surveyed stated to the nearest hundredth of an acre;
- (l) Name, certification date of the written description, license number and seal of the professional land surveyor under whose direct supervision the survey was performed, and name of the land surveying firm, if any; and
- (m) Completion date of the boundary survey.

Section 10. Documentation of Boundary Surveys (cont'd).

- (5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:
 - (a) Direction and length of each line as follows:
 - 1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;
 - 2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and
 - 3. A depiction of each prominent terrain feature, if any, that the boundary follows;
 - (b) The calculated area of the land surveyed, stated to the nearest hundredths of an acre;
 - (c) A notation as to whether each monument was found or set;
 - (d) A complete description of each set monument that marks or references a boundary corner to include, if appropriate, the monument's length, diameter, type of material and the identifying cap or identifier that was used;
 - (e) A complete description of each found monument that complies with the following:

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys (cont'd).

- (5) (e)
 - 1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and
 - 2. To the extent possible, the description shall include the monument's dimensions, type of material and the identifying cap or identifier, or lack thereof;
- (f) Reference of at least one (1) corner to at least one (1) of the following:
 - 1. A corner of the parent tract;
 - 2. A durable and recognizable physical object; or
 - 3. A properly identified primary control network;
- (g) The name of each road, along with any record source thereof;
- (h) The name and record sources of each adjoiner;
- (i) The name and record sources of each adjoining subdivision;
- (j) Any apparent encroachment discovered in the course of the survey;
- (k) The reference meridian and whether its basis is:
 - 1. True;
 - 2. Grid;
 - 3. Record, including the source of the record meridian;
 - 4. State plane; or
 - 5. Magnetic, including the date and location of the observation;

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys (cont'd).

- (5) (l) A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;
- (m) A statement, as appropriate, of:
 - 1. The unadjusted error of closure for the traverse; and
 - 2. The relative positional accuracy for a GPS based survey;
- (n) A statement identifying the classification of the survey as rural or urban;
- (o) A statement as to whether the directions and distances shown on the plat are based on an adjusted traverse;
- (p) The location of a cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;
- (q) A dated signature and the seal of the professional land surveyor under whose direct supervision the boundary survey was performed;
- (r) A written and graphic scale; and

201 KAR 18:150. Standards of Practice

Section 10. Documentation of Boundary Surveys (cont'd).

- (5) (s) A title block containing the following:
 - 1. Name and address of the client;
 - 2. Name and address of the property owner of record;
 - 3. Title of the survey;
 - 4. Statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150; and
 - 5. Name and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm; and
- (t) The following information shall be placed conspicuously on the face of the plat of survey:
 - 1. The record source of the tract or parcel of land surveyed; and
 - 2. The location or address of each tract or parcel of land surveyed.

Section 11. Identification of Drawings and Plats.

- (1) A plat of survey shall be signed, sealed, and dated by the professional land surveyor under whose direct supervision the survey was performed.

201 KAR 18:150. Standards of Practice

Section 11. Identification of Drawings and Plats. (cont'd)

- (2) Working drawings or unfinished plats of not yet completed boundary surveys shall be prominently marked or stamped in at least sixteen (16) point type or its equivalent, as follows: Preliminary - Not For Recording or Land Transfer.

Section 12. Partial Boundary Surveys.

- (1) In performing a boundary survey, a professional land surveyor shall not be required to survey the parent tract in its entirety in order to create a smaller tract for conveyance if the following conditions are met:
 - (a) Adequate evidence exists that conforms to the deeds of record;
 - (b) Sufficient monumentation exists that is verifiable to establish the lines common to the boundary of the parent tract; and
 - (c) There is sufficient evidence and monumentation to establish the lines common to the adjoining tracts without adversely affecting the property interests of any adjoining owners.

201 KAR 18:150. Standards of Practice

Section 12. Partial Boundary Surveys. (cont'd)

- (2) In performing a boundary survey, a professional land surveyor is not required to survey the entire boundary of a tract of land in order to mark a boundary line or replace a boundary corner when the following conditions are met:
 - (a) Sufficient evidence is found and verified to establish the record location of that portion of the boundary being surveyed; and
 - (b) The marked boundary line or reestablished boundary corner does not adversely affect the property interests of any adjoining owners.
- (3) A plat of survey for that part of the boundary surveyed pursuant to this section of this administrative regulation, shall be required to comply with this administrative regulation for the part of the boundary that was surveyed, and shall graphically delineate and designate that portion of the boundary covered by the survey.

Section 13. Plats, Drawings, and Graphic Representations of Non-Boundary Survey Work Mandatory Disclosures.

- (1) Plats, drawings, and graphic representations created by a professional land surveyor, not representing either a plat of survey, or a preliminary plat, drawing, or graphic representation of a boundary survey, shall meet the following criteria:
 - (a) Be clearly marked as to their intended use; and
 - (b) State affirmatively in a title block in at least twelve (12) point type or its equivalent, that the work does not represent a boundary survey and is not intended for land transfer; and
 - (c) May be signed and sealed by the professional land surveyor under whose direct supervision the work represented by the plat, drawing, or graphic representation was performed or the document was prepared.
- (2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:

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Section 13. Plats, Drawings, and Graphic Representations of Non-Boundary Survey Work Mandatory Disclosures. (cont'd)

- (2)
 - (a) For whom and by whom the work product was created;
 - (b) The purpose of the work product;
 - (c) The method employed to create the work product and its underlying values and specifications;
 - (d) The location of the parcel or tract of land with which the work product is concerned;
 - (e) The date or dates that the work was performed;
 - (f) The date of any certification of the work product by the licensee;
 - (g) The mathematical scale employed in any graphic representation of the work performed; and
 - (h) The degree of accuracy or level of quality of the work product expressed in terms of mathematical precision. (12 Ky.R. 291; eff. 9-10-85; Am. 16 Ky.R. 592; 1157; eff. 12-6-89; 24 Ky.R. 1540; 1866; 2062; eff. 3-12-98; 37 Ky.R. Am. 768; Am. 1178; eff. 12-3-2010.)

2019 Top Four Most Common Surveying Standards of Practice, MTS, Deficiencies

1. Failure to include the record source for the title for roadways. Each road which abuts the property being surveyed.

It is understood that many Kentucky roads do not have a source of title, as in a deed to the county or state. When that is the case, the landowner across the county/state road becomes the adjoining property owner, and their name and source of title should be shown, and their deed analyzed in comparison to the subject property deed.

While a road right-of-way is different in some ways from other types of adjoining properties, it is an adjoining property, nevertheless. The standards require that all adjoining properties be researched to determine the record source. In many cases, a diligent search will turn up a deed for the road right-of-way which adjoins the property you are surveying.

If after searching the public record, you are unable to find a record source, then a note on the plat to that effect will suffice. It is also advisable to note what information you relied upon to establish the right-of-way in the absence of a deed.

2019 Top Four Most Common Surveying Standards of Practice, MTS, Deficiencies (cont'd)

2. Name and address of the surveyor's client, in addition to the name and address of the property owner.

Many times, they will be the same, but not always. The surveyor's client could be the potential buyer, a realtor, an attorney, or other person who does not currently own the property. If the client and landowner are the same, simply list "Owner/Client: John Doe, 123 North 4th Street, etc."

3. Property address or PVA tax parcel ID number of the subject property not included.

If the property has no known address, it is acceptable to list the property's PVA tax parcel ID number. This will, at a minimum, make it locatable on a tax map.

2019 Top Four Most Common Surveying Standards of Practice, MTS, Deficiencies (cont'd)

4. Tree's as Monumentation.

The standards require certain conditions when a surveyor may use a tree(s) as a monument (Section 9). That section also requires the surveyor to mark the tree in a conspicuous manner.

Section 10 (5) © requires the surveyor to provide “a notation as to whether each monument was found or set”. In the context of a tree monument, “set” may not be the appropriate item. The surveyor should note whether the tree corner is a record monument (found) or newly established (set) monument.

2022 Most Common Surveying Standards of Practice Deficiencies

-
- 1. Failure to include the source of title for roadways or adjacent property owners across a roadway.
- 201 KAR 18:150, Section 10 (4)(j)
- 201 KAR 18:150 Section 10 (5)(g) & (5) (h)
- Professional land surveyors are required to include the names and record sources of all adjoining property owners to the land that is being surveyed on both written descriptions and plats of survey. When the subject property abuts a roadway, every effort should be made to determine the ownership of the road. If a source of title is found for the road, the landowners across the road are the adjacent property owners. Their names and sources of title should be shown on the plat, and their deeds should be analyzed in comparison to the subject property deed. It should also be noted that no source of title was found for the road.

2022 Most Common Surveying Standards of Practice Deficiencies

- ▶
- ▶ 1.(CONT.)
- ▶ KAR 178.025 provides for a presumption of width and area of public right-of-way. In addition, many local governments require a dedication of right-of-way on existing roads as a condition of plat approval. Neither of these conditions relieve professional land surveyors from their obligation to include the names and sources of title for the adjoining property owners across the road if no source of title for the road is found.

2022 Most Common Surveying Standards of Practice Deficiencies

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- 2. Failure to state the exact unadjusted error of closure or relative positional accuracy.
- 201 KAR 18:150, Section 7 (5)
- 201 KAR 18:150, Section 10 (3)(d)(1)
- 201 KAR 18:150 (5)(m)
- 201 KAR 18:150, Section 7 (5) establishes the standards of accuracy and precision for urban and rural surveys. Section 10 (3)(d)(1) requires the professional land surveyor to retain calculations of the relative positional accuracy of closure, and Section 10 (5)(m) requires the unadjusted error of closure or relative positional accuracy or closure to be stated on the plat. It is not sufficient to state that the survey “meet’s the minimum standards for an urban/rural survey” or that the closure “better than 1:0,000” or that the relative positional accuracy is “less than 0,05+-100 PPM”; the exact error or closure or re;ative positional accuracy needs to be stated on the plat.

2022 Most Common Surveying Standards of Practice Deficiencies

- ▶ 3. Failure to mark a tree in a conspicuous manner and failure to state if the tree is a record monument or a newly established monument.
- ▶ 201 KAR 18:150, Section 9 (7)
- ▶ 201 KAR 18:150, Section 10 (4)(f)
- ▶ 201 KAR 18:150, Section 10 (5)(c)
- ▶ Per 201 KAR 18:150, Section 9 establishes certain conditions for which a tree can be used as a monument. This section requires that the tree be marked in a conspicuous manner that is both physical and permanent. Section 10 (4)(f) requires that a written description include “the identification of each tree utilized as a new corner monument, including breast height diameter, species of tree, method of marking, and a notation whether the tree is a record monument or a newly established monument.” Section 10 (5)(c) requires that a plat include a “notation as to whether each monument was found or set.” In the context of a tree monument, “set” may not be the appropriate term. The professional land surveyor should note whether the tree monument is a record monument (found) or a newly established monument (set).

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 4. Failure to include all information required for a found monument.
- ▶ 201 KAR 18:150, Section 10(4)(h)
- ▶ 201 KAR 18:150, Section 10 (5)(e)
- ▶ Descriptions of found monuments need to include the monument's dimensions, type of material, and the identifying cap or identifier, or lack thereof. If there is no identifying cap on a found monument, the professional land surveyor needs to state as such on the plat.

2022 Most Common Surveying Standards of Practice Deficiencies

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- ▶ 5. Failure to provide both the name and address of the property owner and the name and address of the client.
- ▶ 201 KAR 18:150, Section 10 (5)(s)(1)
- ▶ 201 KAR 18:150, Section 10 (5)(s)(2)
- ▶ While the owner and the client may be the same, this is not always the case. The client could be a potential buyer, realtor, attorney, or another person with interest in the property. If the owner and client are the same, show the person or entity as: "Owner/Client: (Name), (Address)."

2022 Most Common Surveying Standards of Practice Deficiencies

- ▶
- ▶ 6. Failure to include the location or address of each tract or parcel of land surveyed.
- ▶ 201 KAR, Section 10 (5)(t)(2)
- ▶ If the property does not have an address, it is acceptable to use the PVA tax parcel ID number to identify the location of the parcel.

Questions / Comments?