



Title 62 Professions, Businesses and Trades
Chapter 18 Land Surveyors
Part 1 Land Surveyor General Provisions

62-18-101. Registration requirement.

(a) In order to safeguard the life, health or property of the public, the practice of land surveying in this state is declared to be subject to regulation in the public interest.

(b) It is unlawful for any person to practice or offer to practice land surveying in the state or to use in connection with the person's name or otherwise assume or advertise any title or description tending to convey the impression that the person is a land surveyor, unless the person has been duly registered or exempted under this chapter.

HISTORY: Acts 1969, ch. 207, § 1; T.C.A., § 62-1801.

62-18-102. Chapter definitions.

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

(1) "Board" means the state board of examiners for land surveyors, provided for by this chapter;

(2) "Land surveyor" means a person who is engaged in the practice of land surveying;

(3) "Practice of land surveying" means any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography, drainage, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys; and

(4) A person shall be construed to "practice or offer to practice" land surveying within the meaning and intent of this chapter, who:

(A) Engages in land surveying;

(B) By verbal claim, sign, letterhead, card or in any other way represents that the person is a land surveyor; or

(C) Represents that the person is able to perform land surveying in this state.

HISTORY: Acts 1969, ch. 207, § 2; 1979, ch. 97, § 1; T.C.A., § 62-1802.

62-18-103. Establishment of board -- Professional members.

(a) (1) To carry out the provisions of this chapter, there is hereby created a state board of examiners for land surveyors. This board shall consist of three (3) members to be appointed by the governor under the conditions described as follows: initially the governor shall appoint on the board three (3) land surveyors, qualified as herein required, one (1) of whom shall come from each of the three (3) grand divisions, designating one (1) of those persons to serve for a period of two (2) years, one (1) for a period of four (4) years and one (1) for a period of six (6) years.

(2) Shortly before the expiration of the term of each member, a successor shall be appointed from the same grand division.

(3) The term of office of all members shall begin on July 1 following their appointment, except those appointed to fill vacancies, but each member shall hold office until a successor is appointed and qualified.

(4) Each appointment after the first shall be for a period of six (6) years.

(b) The board is attached for administrative purposes to the division of regulatory boards in the department of commerce and insurance.

(c) (1) Appointments to the board may be made by the governor from lists of qualified nominees submitted by interested land surveyor groups, including, but not limited to, the Tennessee Association of Professional Surveyors. The lists shall be submitted at least sixty (60) days before the expiration of any term or, in the case of vacancies occurring during terms of office, within thirty (30) days following the occurrence of the vacancy. The governor shall consult with such interested groups to determine qualified persons to fill the positions.

(2) In making appointments to the board under the authority of this section or under the authority of § 62-18-104, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(d) (1) The three (3) members of the board shall each have had at least ten (10) years' experience in the practice of land surveying and shall have been in responsible charge of work for at least five (5) years.

(2) Each member of the board shall be a citizen of the United States and shall have been a resident of this state for five (5) years at the time of appointment, and shall be at least thirty-five (35) years of age.

(e) The governor may remove any member of the board for misconduct, incapacity or neglect of duty.

HISTORY: Acts 1969, ch. 207, §§ 3, 4; impl. am. Acts 1971, ch. 137, § 1; Acts 1973, ch. 89, § 1; 1977, ch. 73, § 1; 1978, ch. 906, § 25; 1979, ch. 21, § 2; T.C.A., § 62-1803; Acts 1988, ch. 1013, § 33; 2012, ch. 795, § 1.

62-18-104. Public member.

In addition to appointments made pursuant to § 62-18-103, the board shall also consist of one (1) member who shall be appointed by the governor for a six-year term, each term to begin on July 1 and who shall not be engaged in the practice of land surveying. The member shall be a resident of this state and shall possess good moral character.

HISTORY: Acts 1979, ch. 21, § 2; T.C.A., § 62-1804; Acts 1983, ch. 257, § 1.

62-18-105. Board members' certificates -- Legal services -- Seal.

(a) Each member of the board shall receive a certificate of appointment from the governor and, before beginning the member's term of office, shall file with the secretary of state the constitutional oath of office.

(b) No one, except a person appointed pursuant to § 62-18-104, shall be eligible for membership on the board who does not at the time hold an unexpired certificate to practice land surveying issued under this chapter.

(c) The board or any committee of the board shall be entitled to the services of an attorney general in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony concerning matters within its jurisdiction.

(d) The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted, and shall make all bylaws and rules not inconsistent with the law in performing its duty.

HISTORY: Acts 1969, ch. 207, § 5; 1979, ch. 21, § 3; T.C.A., § 62-1805.

62-18-106. Board meetings -- Officers -- Rules.

(a) (1) The board shall hold at least one (1) regular meeting each year.

(2) Special meetings shall be held at such times as the bylaws of the board may provide.

(3) Notice of all meetings shall be given in the manner that the bylaws of the board may provide.

- (4) The board shall elect annually from its members a chair and vice chair.
- (5) A quorum of the board shall consist of a simple majority of the members.
- (b) The director of the division of regulatory boards in the department of commerce and insurance or the director's designee shall serve as secretary for the board.
- (c) The board shall, in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, promulgate rules and regulations that incorporate and establish minimum acceptable standards of practice for licensed land surveyors.
- (d) The board has the authority to establish continuing educational requirements and standards for land surveyors. Any rules promulgated to effect this subsection (d) shall be promulgated in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.
- (e) Any continuing education requirements established pursuant to this chapter shall provide that persons practicing land surveying who were born prior to January 1, 1928, shall be exempt from complying with continuing education standards and requirements.

HISTORY: Acts 1969, ch. 207, § 6; 1978, ch. 906, § 26; 1979, ch. 21, § 4; T.C.A., § 62-1806; Acts 1991, ch. 6, § 1; 1996, ch. 783, § 1; 1998, ch. 754, § 1; 2000, ch. 652, § 1.

62-18-107. Deposit of fees -- Operating funds.

- (a) The secretary of the board shall receive and account for all moneys derived under this chapter and shall deposit the moneys into the state treasury as provided by law.
- (b) Financial operation of the board shall be governed by existing laws and financial practices of this state.
- (c) All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensation and the necessary expenses incident to cooperation with like boards of other states, shall be paid on the warrant of the commissioner of finance and administration issued on requisitions signed by the chair and secretary of the board.
- (d) Funds received under this chapter shall be subject to allotment by the commissioner, and no expenditures shall be made by the board out of fees collected by it unless and until the allotments have been made by the commissioner under §§ 4-3-1006, 9-6-101 -- 9-6-106 and 9-6-108 -- 9-6-114, inclusive.

HISTORY: Acts 1969, ch. 207, § 7; 1972, ch. 578, § 1; 1976, ch. 806, § 1(106); 1978, ch. 906, § 27; T.C.A., § 62-1807; Acts 1984, ch. 676, § 10.

62-18-108. Records.

(a) The board shall keep a record of its proceedings and register of all applicants for registration, showing for each the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted, and the date of such action.

(b) The books and register of the board shall be prima facie evidence of all matters recorded in the books and register.

(c) A roster showing the names and places of business and of residence of all registered land surveyors shall be prepared by the secretary of the board each year. The roster may be printed out of the funds of the board as provided in § 62-18-107.

HISTORY: Acts 1969, ch. 207, § 8; 1975, ch. 165, § 12; 1978, ch. 906, § 28; T.C.A., § 62-1808; Acts 1983, ch. 257, §§ 2, 3; 2001, ch. 261, § 3.

62-18-109. Applications for registration.

(a) (1) The board shall consider and evaluate a land surveyor applicant's qualifications based upon:

(A) The applicant's education, technical, and land surveying experience;

(B) Exhibits of land surveying projects with which the applicant has been associated;

(C) Recommendations and character references; and

(D) The payment by the applicant of a fee set by the board in accordance with § 62-18-125 with the approval of the commissioner of commerce and insurance.

(2) The board shall, in proper cases as authorized in this chapter, issue a certificate of registration as a land surveyor to any person who submits evidence satisfactory to the board that the person is fully qualified to practice land surveying.

(3) A land surveyor applicant's qualifications may be reviewed at an interview if the board determines it necessary.

(4) Educational credit for institute courses, correspondence courses, or other courses shall be determined by the board.

(5) No person shall be eligible for registration who:

(A) Does not have a high school education diploma or a general equivalency diploma (GED[(R)]);

(B) Does not speak and write the English language; or

(C) Is not of good character and repute.

(b) The following shall be considered as the minimum evidence satisfactory to the board that the applicant meets the qualifications of a professional land surveyor:

(1) To be certified as a land surveyor intern (PLSIT), an applicant shall:

- (A)** Make a complete application to the board;
- (B)** Be of good character and reputation;
- (C)** Submit three (3) character references to the board, one (1) of whom is a professional land surveyor;
- (D)** Comply with the requirements of this chapter;
- (E)** Pass the Fundamentals of Land Surveying examination; and
- (F)** Satisfy one (1) of the following requirements related to education and experience:
 - (i)** Obtain a baccalaureate degree from a surveying or surveying technology curriculum of four (4) or more years, approved by the board;
 - (ii)** Obtain a baccalaureate degree from a science, engineering or technology curriculum of four (4) or more years related to the practice of land surveying, approved by the board, with a minimum of twenty-four (24) semester hours of board-approved coursework in the surveying sciences;
 - (iii)** Obtain a baccalaureate degree from a non-surveying related curriculum of four (4) or more years, approved by the board, plus an additional thirty-six (36) semester hours of board-approved coursework in the surveying sciences;
 - (iv)** Obtain an associate degree in surveying technology or a related science, engineering or technical field, approved by the board, with a minimum of thirty (30) semester hours of board-approved coursework in the surveying sciences, a record of four (4) years of progressive practical experience, two (2) years of which shall have been under the direct supervision of a practicing professional land surveyor; or
 - (v)** Obtain a high school education diploma or a general equivalency diploma (GED[(R)]) with a record satisfactory to the board of ten (10) years of progressive practical experience, six (6) years of which shall have been under the direct supervision of a practicing professional land surveyor;

(2) To be licensed as a professional land surveyor, an applicant shall:

- (A)** Make a complete application to the board;
- (B)** Be of good character and reputation;
- (C)** Submit five (5) character references to the board, three (3) of whom are professional land surveyors or individuals acceptable to the board and who have personal knowledge of the applicant's land surveying experience;

(D) Comply with the requirements of this chapter; and

(E) Satisfy one (1) of the following requirements:

(i) Obtain a baccalaureate degree from a surveying or surveying technology curriculum of four (4) or more years, approved by the board, and a record satisfactory to the board of two (2) years of progressive practical experience after the applicant passes the Fundamentals of Land Surveying examination, one (1) year of which shall have been in responsible charge of duties performed under a practicing professional land surveyor. An applicant who passes the Principles and Practice of Land Surveying examination and the Tennessee State Jurisdictional examination shall be granted licensure as a professional land surveyor;

(ii) Obtain a baccalaureate degree from a science, engineering or technology curriculum of four (4) or more years related to the practice of land surveying, approved by the board, with a minimum of twenty-four (24) semester hours of board-approved coursework in the surveying sciences, and a record satisfactory to the board of two (2) years of progressive practical experience after the applicant passes the Fundamentals of Land Surveying examination, one (1) year of which shall have been in responsible charge of duties performed under a practicing professional land surveyor. An applicant who passes the Principles and Practice of Land Surveying examination and the Tennessee State Jurisdictional examination shall be granted licensure as a professional land surveyor;

(iii) Obtain a baccalaureate degree from a non-surveying related curriculum of four (4) or more years, approved by the board, plus an additional thirty-six (36) semester hours of board-approved coursework in the surveying sciences, and a record satisfactory to the board of two (2) years of progressive practical experience after the applicant passes the Fundamentals of Land Surveying examination, one (1) year of which shall have been in responsible charge of duties under a practicing professional land surveyor. An applicant who passes the Principles and Practice of Land Surveying examination and the Tennessee State Jurisdictional examination shall be granted licensure as a professional land surveyor;

(iv) Obtain an associate degree in surveying technology or a related science, engineering or technical field approved by the board with a minimum of thirty (30) semester hours of board-approved coursework in the surveying sciences, and a record satisfactory to the board of four (4) years of progressive practical experience, three (3) years of which shall have been in responsible charge of duties performed under a practicing professional land surveyor if the applicant passes the Fundamentals of Land Surveying examination on or before June 30, 2016, or if the applicant does not pass the Fundamentals of Land Surveying on or before June 30, 2016, a record satisfactory to the board of six (6) years of progressive practical experience after the applicant passes the Fundamentals of Land Surveying examination, four (4) years of which shall have been in responsible charge of duties under a practicing professional land surveyor. An applicant who passes the Principles and Practice of Land Surveying examination and the Tennessee State Jurisdictional examination shall be granted licensure as a professional land surveyor; or

(v) Comply with the requirements of subdivision (b)(1)(F)(v) as approved by the board and pass the Fundamentals of Land Surveying examination on or before June 30, 2017, or if the applicant does not pass the Fundamentals of Land Surveying examination on or before June 30, 2017, obtain six (6) years of progressive practical experience which shall have been in responsible charge of the duties performed under a professional land surveyor after the applicant passes the Fundamentals of Land Surveying examination, plus an additional twelve (12) hours of board-approved coursework in the surveying sciences. An applicant who passes the Principles and Practice of Land Surveying examination and the Tennessee State Jurisdictional examination shall be granted licensure as a professional land surveyor.

HISTORY: Acts 1969, ch. 207, § 9; 1972, ch. 578, § 2; 1977, ch. 182, § 1; T.C.A., § 62-1809; Acts 1983, ch. 257, § 4; 1985, ch. 147, §§ 1-3; 1986, ch. 545, §§ 1, 2; 1997, ch. 270, §§ 1-3; 2014, ch. 714, § 1.

62-18-110. Reciprocity.

Any applicant may, in the absence of disqualifying evidence, be deemed by the board to be fully qualified to practice land surveying if the applicant holds a like unexpired certificate of registration issued to the applicant after examination by proper authority in the District of Columbia or in any state or territory in the United States in which the examination and requirements for the registration of land surveyors are of a standard satisfactory to the board.

HISTORY: Acts 1969, ch. 207, § 10; T.C.A., § 62-1810.

62-18-111. New evidence -- Prerequisites for third examination.

(a) Applicants for registration in cases where the evidence originally presented in the application does not appear to the board conclusive or as warranting the issuance of a certificate may present further evidence, which may include the results of a required examination, for the consideration of the board.

(b) Any applicant who fails the examination twice shall not be admitted to another examination unless the applicant demonstrates to the board's satisfaction that the applicant has diligently studied the subjects covered on the examination.

HISTORY: Acts 1969, ch. 207, § 10; T.C.A., § 62-1810; Acts 1983, ch. 257, § 5.

62-18-112. Determination of qualifications -- Fee retained in case of rejection.

(a) In determining the qualifications of applicants for registration as land surveyor, a majority vote of the members of the board is required.

(b) In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be retained by the board as an examination fee.

HISTORY: Acts 1969, ch. 207, § 10; T.C.A., § 62-1811.

62-18-113. Expiration date of certificates.

Certificates of registration expire on December 31 of each odd-numbered year and are invalid after that date unless renewed. It is the sole responsibility of any person registered as a land surveyor to renew the person's registration on or before the date of its expiration.

HISTORY: Acts 1969, ch. 207, § 10; T.C.A., § 62-1812; Acts 1998, ch. 676, § 1; 2001, ch. 77, § 1.

62-18-114. Notice of expiration -- Renewal.

(a) The board shall notify each person registered under this chapter of the date of expiration of the person's certificate and the amount of the fee required for its renewal. The notice shall be sent at least sixty (60) days in advance of the expiration of the certificate.

(b) It is the responsibility of any person registered under this chapter to notify the board, in writing, of any change of address. Persons registered under this chapter may notify the board by e-mail of a change in their address.

(c) Certificates of registration shall be subject to late renewal for a period of one (1) year following their expiration date by payment of the renewal fee, plus a penalty in an amount set by the board, for each month or fraction of a month that elapses before payment is received. Any person whose registration has expired for more than one (1) year shall make application for registration; provided, that the board may, in its discretion, waive any further examination of such an applicant.

HISTORY: Acts 1969, ch. 207, § 10; 1971, ch. 86, § 1; 1977, ch. 182, § 2; T.C.A., § 62-1813; Acts 1983, ch. 257, § 6; 1985, ch. 147, § 4; 1989, ch. 360, § 9; 1990, ch. 1026, § 41; 1998, ch. 676, § 2; 2001, ch. 77, § 2.

62-18-115. Investigations and prosecutions.

It is the duty of the board to inquire into the identity of any person claiming to be a land surveyor and to prosecute any person violating this chapter.

HISTORY: Acts 1969, ch. 207, § 10; T.C.A., § 62-1814.

62-18-116. Denial, suspension or revocation of certificate -- Disciplinary action.

(a) (1) The board may refuse to issue a certificate of registration, may revoke, suspend or refuse to renew a certificate of registration or may take other lawful disciplinary action against any land surveyor registered under this chapter for any of the following causes:

(A) Any fraud or deceit in obtaining a certificate of registration;

(B) Any incompetency, misconduct or gross negligence in the practice of land surveying;

(C) Any violation of this chapter or of any rules duly adopted under this chapter;

(D) Any failure to comply with the minimum acceptable standards of practice established pursuant to § 62-18-106(c);

(E) Any conviction in a court of competent jurisdiction of a felony; or

(F) Any revocation, suspension, disciplinary action or voluntary surrender of a license or certificate of registration to practice land surveying in any jurisdiction.

(2) Any person may prefer charges against any land surveyor registered under this chapter on any of the grounds in subdivision (a)(1). The charges shall be in writing, sworn to by the complainant, and shall specifically state the factual basis for the charges.

(3) Subdivision (a)(2) shall not be construed to preclude the board from filing charges against a land surveyor on its own motion.

(b) Nothing in this chapter shall be construed to negate the right of any person, partnership, firm, joint stock association or corporation from appealing to the civil courts for relief.

(c) The affirmative vote of a majority of the members of the board shall be necessary in order to revoke the certificate of registration of any land surveyor registered under this chapter or to reissue a certificate of registration to any person whose certificate has been revoked.

(d) The board shall notify the register of deeds of each county that would likely be affected by the revocation or suspension of a certificate of registration or the reissuance of a revoked or suspended certificate of registration.

HISTORY: Acts 1969, ch. 207, § 11; 1980, ch. 451, § 5; T.C.A., § 62-1815; Acts 1983, ch. 257, §§ 7, 8; 1998, ch. 676, §§ 3-5.

62-18-117. Replacement of lost or destroyed certificates.

A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the board. A charge of fifty dollars (\$50.00), or such other amount as set by the board, shall be made for reissuance.

HISTORY: Acts 1969, ch. 207, § 11; T.C.A., § 62-1816; Acts 1990, ch. 1026, § 24; 1998, ch. 676, § 6.

62-18-118. Certificate as evidence.

The issuance of a certificate of registration by this board shall be evidence that the person named in the certificate is entitled to all the rights and privileges of a land surveyor while the certificate remains unrevoked or unexpired.

HISTORY: Acts 1969, ch. 207, § 12; T.C.A., § 62-1817.

62-18-119. Seal of registrant.

(a) Each registrant under this chapter shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Land Surveyor."

(b) Maps, plats, surveys or other documents issued by a registrant shall be stamped with the seal during the life of the registrant's certificate, but it is unlawful for anyone to stamp or seal any documents with the seal after the certificate of the registrant named on the certificate has expired or has been revoked, unless the certificate has been renewed or reissued.

(c) (1) No surveyor shall affix a seal or stamp to any document that has not been prepared by that surveyor or under that surveyor's individual supervision.

(2) The survey used in making plats must be made by the surveyor or the surveyor's employees or members of a partnership, firm or joint stock association of which the surveyor is a member, and the surveyor affixing the surveyor's seal to the survey must be in responsible charge of those making the surveys in such association with the surveyor.

(d) The board may adopt rules and regulations pertaining to the affixing to and endorsement of the registrant's seal on surveying documents that may be necessary to implement compliance with this section.

HISTORY: Acts 1969, ch. 207, § 12; 1973, ch. 89, § 2; T.C.A., § 62-1818.

62-18-120. Violations.

(a) A person commits a Class C misdemeanor who:

(1) Presents or attempts to file as that person's own the certificate of registration of another;

(2) Gives forged or willfully false evidence of any kind to the board or any member of the board for the purpose of obtaining a certificate;

(3) Falsely impersonates any other practitioner; or

(4) Uses or attempts to use an expired or revoked certificate of registration.

(b) Any person who practices or offers to practice land surveying in this state in violation of this chapter commits a Class C misdemeanor. Each day of violation constitutes a separate offense.

(c) A person shall be construed to practice, or offer to practice, land surveying who, by verbal claim, sign, advertisement, letterhead, card or any other way, represents the person to be a land surveyor, with or without qualifying adjectives, or through the use of some other title implies that the person is a land surveyor.

(d) The grand juries of the state are given inquisitorial power over all violations of this chapter, and the judges of the courts shall give inquisitorial power in their charges to the grand juries.

(e) It is the duty of the members of the board to report any violations of this chapter to the proper authorities.

(f) "Person," as used in this section, includes firms and corporations.

(g) Prosecutions for any person who practices or offers to practice land surveying in this state in violation of this chapter shall be commenced within four (4) years next after the offense has been committed.

HISTORY: Acts 1969, ch. 207, § 13; T.C.A., § 62-1819; Acts 1985, ch. 146, § 2; 1989, ch. 591, § 113.

62-18-121. [Repealed.]

62-18-122. Business associations -- Personal liability.

(a) The right to engage in the practice of land surveying shall be deemed a personal right, based upon the qualifications of the individual, evidenced by the individual's registration certificate and shall not be transferable.

(b) Any registered land surveyor may practice the profession through the medium of, or as a member or as an employee of, a partnership, firm, joint stock association or corporation; provided, that all surveys are signed and stamped with the signature and seal of the registered land surveyor in responsible charge.

(c) The registered land surveyor signing and sealing surveys is responsible, personally and professionally, for the surveys.

HISTORY: Acts 1969, ch. 207, § 15; 1979, ch. 97, § 2; T.C.A., § 62-1821.

62-18-123. Hearings and judicial review.

The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this chapter.

HISTORY: Acts 1980, ch. 451, § 11; T.C.A., § 62-1823.

62-18-124. Right-of-entry -- Liability -- Notice to landowners -- Injunctions.

(a) A professional land surveyor, the professional land surveyor's agents, employees and personnel under the professional land surveyor's supervision, may go on, over and upon the lands of others when necessary to perform surveys for the location of property corners, boundary lines, rights-of-way and easements, and, in so doing, may carry with them their customary equipment and vehicles.

(b) A professional land surveyor, the professional land surveyor's agents, employees and personnel under the professional land surveyor's supervision entering the lands of others under the right granted by subsection (a), and doing no unnecessary injury, are liable only for the actual damage done, and, if sued in such case, the plaintiff shall recover only as much costs as damages.

(c) Nothing in this section shall be construed as giving authority to a professional land surveyor, the professional land surveyor's agents, employees or personnel under the professional land surveyor's supervision 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 such damage.

(d) A licensed land surveyor during the conduct of a boundary survey where there is discovered, or reasonably should have been discovered, any major apparent discrepancy as defined by the board between the deed descriptions of adjoining owners, evidence of use or possession not consistent with deed descriptions or otherwise has notice that there is an adverse claim across a boundary, shall notify the affected adjoining owners. Notice to nonresident or absentee owners will be by mail to the current address used for mailing property tax notices. In cases in which the landowner does not reside on the property, reasonable effort shall mean notification by certified mail.

(e) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon the land under this section.

(f) Injunctive relief may be had against a landowner restricting entry to the landowner's land in violation of this section by petition addressed to the circuit or chancery court of the division in which the violation is alleged to have occurred.

HISTORY: Acts 1984, ch. 934, §§ 2-5; 2000, ch. 930, § 1.

62-18-125. Schedule of fees.

(a) The board shall establish a schedule of fees for the following categories:

- (1) Examination fee;
- (2) Licensing fee; and
- (3) Renewal fee.

(b) The board shall, in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, promulgate necessary rules and regulations to establish the schedule of fees authorized by this section.

HISTORY: Acts 1985, ch. 147, § 5; 1989, ch. 523, § 157.

62-18-126. Nonmonumentation procedures authorized as closing or loan surveys.

Notwithstanding any other law to the contrary, all limited nonmonumentation procedures or practices, such as mortgage loan inspections, mortgage loan certificates, mortgage title inspections and improvement loan certificates, shall be authorized as closing or loan surveys.

HISTORY: Acts 1990, ch. 1026, § 66.

62-18-127. Duty to research common boundaries.

A professional land surveyor shall search the land records of the land to be surveyed filed in the register of deeds office and obtain the deeds of record of all the adjoining landowners as it pertains to the common boundaries. The professional land surveyor shall have the

additional responsibility to utilize documents of public record or unrecorded documents or plats supplied to the surveyor at the time of the survey to resolve any discrepancies between the subject land and any adjoining lands. Evidence found from these sources shall be carefully compared with that located or found in the field survey in order to aid in the establishment of the original boundaries of the land being surveyed. It is not the intent of this section to require the professional land surveyor to research the title or encumbrances on the land involved.

HISTORY: Acts 2004, ch. 520, § 1.

62-18-128. Retiring license -- Reinstatement -- Retirement of license no bar to disciplinary action -- Nontransferable.

(a) Any licensee may retire the licensee's license by submitting a form prescribed by the board accompanied by the current active license certificate and a fee of twenty-five dollars (\$25.00). Upon receipt of an acceptable application to retire, the board shall issue a retired license certificate to the surveyor. The holder of a retired license shall not be entitled to practice as a surveyor unless the licensee is reinstated in accordance with subsection (c).

(b) Any licensee who is not engaged in work or activities that require a surveyor's license may apply for a retired license.

(c) A retired license may be reinstated by submitting an application acceptable to the board, by paying the full renewal fee for an active license and by fulfilling all other requirements of this chapter, including, but not limited to, successfully completing all examination requirements.

(d) The retired status of a license shall not bar any disciplinary action by the board against a licensee for any of the causes provided in this chapter.

(e) No retired license is transferable.

(f) The board is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

HISTORY: Acts 2010, ch. 1139, §§ 1, 3.

**RULES
OF
TENNESSEE STATE BOARD OF EXAMINERS
FOR LAND SURVEYORS**

2nd floor, Volunteer Plaza Building
500 James Robertson Parkway
Nashville, TN 37243-1146

Chapters	Title
0820-01	Rules of the Tennessee Board of Examiners for Land Surveyors
0820-02	Rules of Procedure for Hearing Contested Cases
0820-03	Standards of Practice
0820-04	Rules of Professional Conduct
0820-05	Continuing Education

ADMINISTRATIVE HISTORY

Original Chapter 0820-01 was filed on June 6, 1974 and became effective on July 6, 1974. The Administrative History following each rule gives the date on which the rule was filed and its effective date. The Administrative History after each rule also shows the dates of any amendment or repeals.

Amendment to rule 0820-01-.05 filed January 28, 1976; effective February 27, 1976.

Original rules 0820-01-.11 through 0820-01-.13 filed January 28, 1976; effective February 27, 1976.

Original chapter 0820-02 filed November 22, 1978; effective January 8, 1979.

Amendment to rule 0820-01-.12 filed February 8, 1979; effective March 23, 1979.

Original rule 0820-01-.14 filed February 8, 1979; effective March 23, 1979.

Original rule 0820-01-.15 filed April 23, 1979; effective June 7, 1979.

Original rule 0820-03 filed August 15, 1980; effective September 29, 1980.

Repeal of chapter 0820-01 and new chapter 0820-01 filed November 18, 1985; effective February 12, 1986.

Amendment to rule 0820-01-.05 filed November 15, 1991; effective December 30, 1991.

Amendments to rules 0820-01-.01 through 0820-01-.03, 0820-01-.06, 0820-03-.02 through 0820-03-.08 and 0820-03-.10 and new chapter 0820-04 filed November 20, 1991; effective January 4, 1992.

Original chapter 0820-05 filed October 28, 1993; effective January 11, 1994.

Amendment to rule 0820-01-.05 filed September 5, 2002; effective November 19, 2002.

Repeal and new rules 0820-03-.02 through 0820-03-.10 filed December 17, 2010; effective March 17, 2011.

**RULES
OF
TENNESSEE BOARD OF EXAMINERS
FOR LAND SURVEYORS**

**CHAPTER 0820-1
RULES OF TENNESSEE STATE BOARD OF
EXAMINERS FOR LAND SURVEYORS**

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0820-1-.01 MEETINGS.

Meetings shall be held at such locations and times as designated by the Board of Examiners for Land Surveyors (hereinafter the Board). Special meetings may be held at the call of any two (2) members of the Board; provided that adequate public notice is given.

Authority: T.C.A. §62-18-105(d). Administrative History: Original rule filed June 6, 1974; effective July 6, 1974. Repeal and new rule filed November 18, 1985; effective February 12, 1986. Amendment filed November 20, 1991; effective January 4 1992.

0820-1-.02 APPLICATIONS.

- (1) An application for registration shall be accompanied by two (2) survey plats prepared by the applicant under the individual supervision of a registered land surveyor. Such plats must comply with all applicable requirements of Chapter 0820-3 STANDARDS OF PRACTICE and must bear the seal of the supervising registered land surveyor.
- (2) If two (2) or more Board members recommend examination of an applicant, such examination will be required.
- (3) An applicant may be requested to appear before the Board if two (2) or more Board members declare that such applicant does not appear to meet educational and/or experience requirements.
- (4) An applicant may appear at a regular meeting of the Board to discuss his qualifications, provided that he makes timely written request to the Administrator of the Board.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). Administrative History: Original rule filed June 6, 1974; effective July 6, 1974. Repeal and new rule filed November 18, 1985; effective February 12, 1986. Amendment filed November 20, 1991; effective January 4, 1992.

0820-1-.03 EXAMINATIONS.

- (1) Examinations shall be conducted at such times and locations as determined by the Board.
- (2) The examination shall consist of two (2) parts. The minimum passing grade on the State part shall be seventy percent (70%) on each of the two (2) subparts thereof. The minimum passing grade on the part prepared by the National Council of Engineering and Surveying (NCEES) shall be as established by the NCEES.
- (3) Any applicant who fails to appear for a scheduled examination will be deemed to have failed such examination, unless the applicant:

(Rule 0820-1-.03, continued)

- (a) Notifies the Board in writing at least thirty (30) days in advance that the applicant wishes not to take the examination; or
 - (b) Shows good cause (such as illness or emergency) satisfactory to the Board for such failure to appear.
- (4) Any applicant whose failure to appear for a scheduled examination is excused under paragraph (3) of this rule may take the next scheduled examination without paying an additional examination fee.

Authority: T.C.A. §§62-18-105 and 62-18-111. Administrative History: Original rule filed June 6, 1974; effective July 6, 1974. Repeal and new rule filed November 18, 1985; effective February 12, 1986.

0820-1-.04 SYLLABUS OF EXAMINATIONS.

- (1) The examination is designed to test the applicant's knowledge of land surveying and to ascertain if his judgment, experience, and technical knowledge are sufficient to safeguard life, health, and property. The examination will include the following subjects:
- (a) Mathematics applied to land surveying: The applicant should be able to apply the principles of algebra, plane geometry, and trigonometry to land surveying problems of regular, irregular, and curvilinear boundaries.
 - (b) Fundamentals of surveying: The applicant should have a thorough knowledge of the legal aspects of land surveying and land surveying terms; consistency of angular and linear measurements, the interrelation of errors; steel tape corrections; instrument care and adjustment, the Tennessee Coordinate System; astronomical observations for azimuth; meridian or longitude and parallel of latitude; magnetic declination; magnetic variation; and magnetic bearings, true bearings, differential leveling; profile leveling; cross sections; cut sheets; the theory and use of stadia; topographic surveying; and control surveys by triangulation and traverse, for both ground and aerial surveys.
 - (c) Surveying of areas for their correction, determination and description: The applicant should be able to plot and write property descriptions, obtain property descriptions from legal records and lay out and monument such property; he should know the relative weights legally to be given monuments, distance, bearings, angles, and areas in the redetermination of old boundaries; he should be able to determine the directions of lines of a traverse by the deflection angles and by azimuths; he should be able to compute latitudes and departures, determine missing data from descriptions, adjust a traverse for closure error, compute coordinates of traverse points, and compute areas of irregular parcels including those bounded by curvilinear courses.
 - (d) Surveying of areas for the conveyancing of land and for the establishment and reestablishment of internal and external land boundaries, and the plotting of land and subdivisions thereof: The applicant should be able to divide areas into smaller tracts; determine the internal and external boundaries thereof; determine missing data from descriptions; lay out and plot roads, street and sidewalks, topography, and contours setting forth road grades, and determining drainage on the surface, reducing topographic notes; interpolate contours from elevations; prepare topographic maps using ground surveys and aerial surveys with photogrammetric methods of compiling aerial photographs; and compute horizontal curves and vertical curves.

Authority: T.C.A. §§62-18-105 and 62-18-111. Administrative History: Original rule filed June 6, 1974; effective July 6, 1974. Repeal and new rule filed November 18, 1985; effective February 12, 1986.

0820-1-.05 FEES. The following schedule of fees is hereby established:

Application Fee.....	\$200.00
Friday Examination - Principles and Practice of Land Surveying (PLS).....	\$150.00
Tennessee Land Surveying (TLS).....	\$150.00
Saturday Examination - Fundamentals of Land Surveying (FLS).....	\$125.00
Professional Land Surveyor in Training (PLSIT) Examination (Application Fee).....	\$ 25.00
Certificate of Registration.....	\$100.00
Biennial Renewal.....	\$280.00
Late Renewal Penalty (per month or fraction thereof).....	\$ 20.00

Authority: T.C.A. §§62-18-105(d), 62-18-109, 62-18-113, 62-18-114, and 62-18-125. *Administrative History:* Original rule filed June 6, 1974; effective July 6, 1974. Repeal and new rule filed November 18, 1985; effective February 12, 1986. Amendment filed November 15, 1991; effective December 30, 1991. Amendment filed September 5, 2002; effective November 19, 2002.

0820-1-.06 CIVIL PENALTIES.

- (1) With respect to any person required to be registered by the Board as a land surveyor, the Board may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty against such person for each separate violation of a statute, rule or order pertaining to the Board in accordance with the following schedule:

<i>Violation</i>	<i>Penalty</i>
(a) T.C.A. §62-18-101(b)	\$100 - \$1000
(b) T.C.A. §62-18-116(a)(1)(A)	\$500 - \$1000
(c) (B)	\$250 - \$1000
(d) (C)	\$ 50 - \$1000
(e) (D)	\$ 50 - \$1000
(f) T.C.A. §62-18-119(b)	\$500 - \$1000
(g) (c)	\$500 - \$1000
(h) T.C.A. §62-18-120(a)	\$500 - \$1000
(i) (b)	\$ 50 - \$1000
(j) T.C.A. §62-18-124(d)	\$ 50 - \$1000
(k) Violation of Board Order	\$100 - \$1000

- (2) Each day of continued violation shall constitute a separate violation.
- (3) In determining the amount of any civil penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
- (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (b) The circumstances leading to the violation;
 - (c) The severity of the violation and the risk of harm to the public;
 - (d) The economic benefits gained by the violator as a result of non-compliance; and
 - (e) The interest of the public.

Authority: T.C.A. §§56-1-308, 62-18-105(d), and 62-18-115. *Administrative History:* Original rule filed June 6, 1974; effective July 6, 1974. Repeal and new rule filed November 18, 1985; effective February 12, 1986. Amendment filed November 20, 1991; effective January 4, 1992.

0820-1-.07 THROUGH 0820-1-.15 REPEALED.

Authority: T.C.A. §62-18-105. Administrative History: (For history prior to January 1986, see pg. 1). Repeal filed November 18, 1985; effective February 12, 1986.

**RULES
OF
TENNESSEE STATE BOARD OF
EXAMINERS FOR LAND SURVEYORS**

**CHAPTER 0820-2
RULES OF PROCEDURE FOR HEARING CONTESTED CASES**

For Rules of Procedure for Hearing Contested Cases see Rules of the Secretary of State, Chapter 1360-1-7.

Authority: T.C.A. Section 4-509. Administrative History. Original Chapter filed November 22, 1978, effective January 8, 1979.

**RULES
OF
TENNESSEE STATE BOARD OF EXAMINERS
FOR LAND SURVEYORS**

**CHAPTER 0820-03
STANDARDS OF PRACTICE**

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0820-03-.01 APPLICABILITY.

The provisions of this Chapter shall apply to all land surveyors registered pursuant to Title 62, Chapter 18, T.C.A.

Authority: T.C.A. §62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 28, 1980.

0820-03-.02 GENERAL.

- (1) The proper execution of land surveying and mapping procedures and all other details of a land survey shall be the direct responsibility of the Land Surveyor whose stamp or seal and/or signature appear on the map, plat or other newly original survey documents. The fact that a map, plat or other newly original survey document(s) is accepted by the Register of Deeds for recordation in no way relieves such Land Surveyor of this responsibility.
- (2) Authorship of the original map(s) is the intellectual property of the Land Surveyor, unless otherwise specified by written contract; therefore it should be professionally and accurately prepared as a permanent record. After reproducible prints or copies have been made for recordation or other purposes, the map should be carefully preserved with the Land Surveyor's original field notes, calculations, work sheets, data, and other project documents for the statutory period as defined at T.C.A. § 28-3-114(a).
- (3) The Land Surveyor may agree with any client to perform a more accurate survey than required by this Chapter.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.03 DEFINITIONS.

- (1) "Land description" means a detailed statement of appropriate information necessary to completely locate, relocate, or define the boundaries of a certain area or tract of land.
- (2) "Leveling Survey" means a survey involving the control of levels for land areas where a common Datum is necessary.
- (3) "Survey Plat or Survey Map" means an accurate graphical representation of a finite piece of surveyed property, including pertinent and important data and information pertaining to the surveyed land.

(Rule 0820-03-.03, continued)

- (4) "Suburban Land Survey" means a survey of land which is located within the limits of a city or town.

Authority: T.C.A. §§ 62-2-105(d), 62-2-106(c), 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.04 RESERVED.

Authority: T.C.A. §§ 62-2-105(d), 62-2-106(c), 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011

0820-03-.05 ACCURACY OF SURVEYS.

Surveys for categories I, II, and III as defined below must meet the minimum accuracy requirements provided below for the category where the survey is located. The category must be determined by the Land Surveyor to the best of his knowledge and belief at the time of the survey. Nothing in this rule shall preclude a Land Surveyor from using a greater degree of accuracy than that required as a minimum for any category provided below.

- (1) Urban and Subdivision Property Surveys (Category I). For Category I surveys in Tennessee, the angular closure shall not exceed fifteen (15) seconds times the square root of the number of angles turned. The linear error of closure shall not exceed 1 foot per 10,000 feet of perimeter of the lot of land (1:10,000). When very small lots of one (1) acre or less are encountered, the allowable error shall not exceed one tenth (1/10) of a foot of positional accuracy at any corner.
- (2) Suburban and Subdivision Property Surveys (Category II). For Category II surveys in Tennessee, the angular error of closure shall not exceed twenty-five (25) seconds times the square root of the number of angles turned. The linear error of closure shall not exceed 1 foot per 7,500 feet of perimeter of the lot of land (1:7,500). When very small lots of one (1) acre or less are encountered, the allowable error shall not exceed one tenth (1/10) of a foot of positional accuracy at any corner.
- (3) Other Property Surveys (Category III). For Category III surveys in Tennessee, the angular error of closure shall not exceed thirty (30) seconds times the square root of the number of angles turned. The linear error of closure shall not exceed 1 foot per 5,000 feet of perimeter of the lot of land (1:5,000). When very small lots of one (1) acre or less are encountered, the allowable error shall not exceed one tenth (1/10) of a foot of positional accuracy at any corner.
- (4) Remote Sensing Surveys (Category IV). For Category IV surveys in Tennessee, the Land Surveyor is to use the current standards and applications set by Rule 0820-03-.07(5) of this Chapter.
- (5) Differential Leveling Surveys.

The surveying process in which a horizontal line of sight of known elevation is intercepted by a graduated standard, or rod, held vertically on the point being checked (does not apply to Trigonometric or GPS surveys).

- (a) Urban Differential Leveling Surveys. Leveling employed for commercial, industrial or urban land surveys shall be executed with an error of closure (Y) not to exceed in feet

(Rule 0820-03-.05, continued)

$$Y = 0.04 \quad \begin{matrix} 0.5 \\ (M) \end{matrix}$$

(Y equals 0.04 times the square root of M) Where Y = discrepancy in vertical measurement (in feet) and M = distance from datum reference (in miles).

- (b) Other Differential Leveling Surveys. Other leveling surveys shall be conducted with an error of closure (Y) not to exceed in feet

$$Y = 0.10 \quad \begin{matrix} 0.5 \\ (M) \end{matrix}$$

(Y equals 0.10 times the square root of M) Where Y = discrepancy in vertical measurement (in feet) and M = distance from datum reference (in miles).

- (c) Agreement for Leveling Surveys. Prior to any type of Leveling Survey, including control for photogrammetric mapping, the Land Surveyor may determine and set forth in a written agreement with his client to perform a more accurate Leveling Survey and the general procedure to be employed.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.06 MAPS AND MAPPING.

- (1) When a Land Surveyor furnishes a Survey Plat or Survey Map, it shall be properly and accurately drawn, and should depict information developed by and during the survey.
- (2) The size of the Survey Plat or Survey Map shall be such that details can be shown clearly.
- (3) Preliminary documents must be clearly marked as such prominently on the face of the document. The Land Surveyor has the professional discretion not to sign, stamp or seal any preliminary survey, documents, drafts, drawings or composite drawings. In the compilation of a composite Survey Map or Survey Plat, the Land Surveyor shall indicate and cite the source of all lines copied from a previous source.
- (4) Property lines which are not actually surveyed must be clearly indicated on the Survey Plat or Survey Map. A statement shall be included revealing the source of information from which the line is derived.
- (5) Electronic survey documents such as CAD files, PDF copies, and word processor documents or other emailed or digitally copied and/or other electronically forwarded information and documents are considered "Preliminary" or "Draft" documents.
- (6) Pertinent information on the Survey Plat or Survey Map shall be correctly plotted to the scale shown or noted otherwise. Enlargement "Detail" of a portion of a Plat or Map is acceptable in the interest of clarity, where shown as inserts on the same sheet and/or with a description of where to find the "Detail" if it is located on another sheet of the same Survey Map or Survey Plat.
- (7) Visible and apparent rights-of-way, utilities, and roadways shall be accurately located where crossing or forming any boundary line of the property shown.

(Rule 0820-03-.06, continued)

- (8) Easements evidenced by Record Documents which have been delivered to the Land Surveyor shall be shown, both those burdening and those benefiting the property surveyed, indicating recording information. If an apparent easement cannot be located, a note to this effect shall be included. Observable evidence of easements and/or servitudes of all kinds, such as those created by roads; rights-of-way; water courses; drains; or utilities on or across the surveyed property and on adjoining properties if they appear to affect the surveyed property, shall be located and noted. If the Land Surveyor has knowledge of any such easements and/or servitudes, not observable at the time of the survey, such lack of observable evidence shall be noted. Surface indications, if any, of underground easements and/or servitudes shall also be shown. Where non-observable data is shown relative to existing utilities in reliance on apparent surface markings or available utility plans or the apparent surface indicators which are not visible to the Land Surveyor, a statement as to the source of the data shall be included on the Survey Map or Survey Plat as well as a note stating such data should not be relied upon without verification from the proper utility authority having jurisdiction.
- (9) Area: When a boundary is formed by a closed survey, the area shall be shown in acres and/or square feet. Area is to be computed by double meridian distance or equally accurate method. Area computations by estimation, planimeter, by scale, or copying from another source, or non-accessible areas, are not acceptable methods except in preliminary maps and non-accessible areas, in which case the method will be clearly stated. If the survey is a new/original tract or the area is different from the recorded area, then the survey must show the area of any closed surveyed tracts or lots.
- (10) Unless necessary because of space or other limitations, abbreviations and symbols should not be used in land surveying work. However, when it is deemed necessary, a thorough legend, describing all symbols and abbreviations used, shall be included on the Survey Plat or Survey Map.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.07 SURVEY TYPES AND REQUIREMENTS.

A Land Surveyor shall comply with the minimum requirements provided below for all surveys and Survey Plats or Survey Maps prepared therefrom.

- (1) General Property Surveys.
- (a) A Survey Map or Survey Plat shall be a copy, print or tracing, and shall be dated and stamped or sealed and signed by a registered Land Surveyor, in compliance with applicable law.
- (b) A Survey Map or Survey Plat shall have a title and contain the following information:
1. A descriptive location of the property, or vicinity map, and a corner of the property must be tied by bearing and distance either:
 - to a corner of a subdivision, or
 - to a tract from which property is carved, or
 - to a permanent identifiable corner, or
 - to a nearby permanent identifiable reference point.

A corner of the property may be tied to the nearest road intersection by distance only.

(Rule 0820-03-.07, continued)

In the case of a formation of a new tract, a tie must be made by bearing and distance to an identifiable corner of the parent tract.

2. The city or district, county, and the state where the property is located;
 3. The name of the grantor or grantee of the property, or the name of the person who requested or required the Survey Map or Survey Plat;
 4. The date of the Survey Map or Survey Plat;
 5. A graphic scale and numeral scale;
 6. The name, registration number, address and telephone number of the Land Surveyor; and
 7. A certification on the face of the final Survey Map or Survey Plat as to the category of the survey and the ratio or precision of the unadjusted survey, which shall have the following minimum content:
 - Certification as to Category I, II, III, or IV;
 - Ratio of Precision of the unadjusted survey;
 - Statement that the survey was done in compliance with current Tennessee Minimum Standards of Practice;
 - Signature; and
 - Registration number.
- (c) The north arrow shall be shown, and shall be correlated with, the courses or bearings, with the source of reference clearly indicated.
- (d) All property lines shall be defined by horizontal distances and bearings, and shall be plotted to the scale shown in the title block.
- (e) Where a boundary is formed by a curved line, the curve shall be defined with the length and radius of each curve, together with elements necessary to mathematically define each curve in the description. When intersecting boundary lines are non-radial or non-tangential, the chord bearing and distance shall be shown.
- (f) The Land Surveyor shall show the widths or center-lines of easements and rights-of-way which are obvious and apparent to him and also the survey shall be completed using the relevant recorded deeds to the property, but shall show pertinent information, such as easements, joint driveways, etc. as described in Rule 0820-03-.06(7).
- (g) Boundaries formed by water course shall be located and plotted to the scale shown in the Survey Map or Survey Plat title block. Traverse lines and/or offset lines used to close water course boundaries shall be shown plotted to scale and defined by bearing and distance.
- (h) Monumentation requirements:
1. New property monuments shall be composed of material(s) suitable to perpetuate the position and location of the monument. A notation on the Survey Map or Survey Plat shall state whether the monuments were found or set, and in addition, the statement shall indicate the material and size of the monument found or set.

(Rule 0820-03-.07, continued)

2. Metal monuments shall be no less than one-half (1/2) inch in diameter; concrete monuments shall be no less than four (4) inches in diameter and shall contain ferrous or magnetic material; and both shall be no less than eighteen (18) inches in length unless some impregnable material is encountered.
3. The type of monument (old or new) shall be indicated on the Survey Map or Survey Plat along with the size and type of material. No monument should be placed if, in the opinion of the Land Surveyor, the existing monument, whether original or not, is found undisturbed and adequate to perpetuate the position and can be reasonably made to conform to the angle point in the boundary. Large or indefinite monuments which cannot be measured to within the positional accuracy requirements contained herein, such as trees, rock piles or fence corners, will be marked with witness monuments as deemed necessary by the Land Surveyor.
4. When conditions warrant setting a reference for a monument on an offset, the location shall be selected so that the monument reference lies on a line of the survey, or a prolongation of such line.
5. New metal or concrete monuments placed shall have a cap with the Land Surveyor's registration number or company name stamped upon it. In the case of placement of a concrete marker, the marker shall have a permanent mark for the survey point and shall have the Land Surveyor's registration number or company name attached or stamped upon it.
6. Survey points that do not divide land ownership, such as point of intersection (P.I.), centerline of water course, etc. may be established with or without monumentation at the Land Surveyor's discretion.
 - (i) In the compilation of a composite Survey Map or Survey Plat, the Land Surveyor shall indicate and cite the source of all lines copied from a previous survey on the Survey Map or Survey Plat, and qualify the Survey Map or Survey Plat as prepared from other sources and does not represent a current survey.
 - (j) The names of adjoining land owners and deed references, if available at the property assessor's office, and/or lots and/or block numbers, and highways, streets, and named waterways shall be shown.
 - (k) The point of beginning in the metes and bounds description prepared by the Land Surveyor shall be shown on the Survey Map or Survey Plat of the survey (except in the case of a subdivision plat).

(2) Topographic Surveys.

- (a) A Survey Map or Survey Plat shall be a copy print or tracing, and shall be dated and stamped or sealed and signed by the registered Land Surveyor, in compliance with applicable law.
- (b) A Survey Map or Survey Plat shall have a title and contain the following information:
 1. A descriptive location of the property or a vicinity map;
 2. The city or district, county, and the state where the property is located;

(Rule 0820-03-.07, continued)

3. The name of the grantor or grantee of the property, or the name of the person who requested the Survey Map or Survey Plat;
 4. The date of the survey or Survey Map or Survey Plat;
 5. A graphic scale and a numerical scale; and
 6. The name, registration number, and address of the Land Surveyor.
- (c) A north arrow shall be shown with the source indicated.
 - (d) Property lines, if shown on the topographic map, shall be shown as needed and/or as deemed necessary by the Land Surveyor and shall be plotted to the scale shown in the title.
 - (e) The Land Surveyor shall show the widths of easements and rights-of-way which are obvious and apparent to him.
 - (f) If limits of the topographic survey are formed by water course, then the water course shall be located and plotted to the scale shown in the title.
 - (g) The Land Surveyor shall indicate and cite the source of any lines copied from previous sources.
 - (h) The names of adjacent land owners, deed references, block numbers, highways, streets and named waterways shall be shown if applicable.
 - (i) Topography Surveys shall be referenced to a boundary line or to a point and/or line of reference only as deemed appropriate by the Land Surveyor.
 - (j) Visible, obvious, and apparent surface indications of physical features such as utilities, buildings, water bodies, etc. shall be shown and plotted to the scale shown in the title.
 - (k) Elevations shall be shown as spot elevations and/or contours. The contour interval shall be noted and shall meet national mapping accuracies.
 - (l) An on-site project bench mark shall be established with reference to datum, assumed or otherwise, and plotted to the scale shown in the title block.
 - (m) The registered Land Surveyor in responsible charge of the ground control shall sign, stamp or seal the Survey Map or Survey Plat for the ground control portion of the survey.
- (3) Oil and Gas Well Location Surveys.
- (a) Oil and gas well location surveys must be made in compliance with the provisions of T.C.A., Title 60, Chapter 1, and the rules of the Tennessee State Oil and Gas Board (Chapters 1040-01-01 through 1040-08-01).
 - (b) Where surveyed lines or areas must be located or calculated, they must also comply with the accuracy standards set forth in Rule 0820-03-.05 of this chapter for the category in which the survey is located.
 - (c) The Survey Map or Survey Plat shall have a title and contain the same information as required under this Chapter relative to General Property Surveys.

(Rule 0820-03-.07, continued)

(4) Geodetic Control Surveys (GCS).

- (a) All Geodetic Control Surveys must be made in accordance with the Federal Geodetic Control Standards (F.G.C.S.). Horizontal and vertical control work must meet or exceed those accuracy specification standards as published by the Federal Geodetic Control Committee, September 1984, in the bulletin titled "Standards and Specification for Geodetic Control Networks" or any subsequently published bulletins modifying such class standards. Copies of said bulletins may be obtained from the United States Department of Commerce.
- (b) The Survey Map or Survey Plat shall have a title and contain the same information as normally would be required under this Chapter for General Property Surveys.
- (c) It shall be acceptable practice to incorporate the use of Global Positioning Systems (commonly known as GPS) equipment into any survey. The precision of all measurements made with such equipment must, at a minimum, meet all precision standards required otherwise by applicable state law. When using GPS equipment in the course of a survey, the Land Surveyor shall state on the face of the Survey Plat, or within the report in cases where there is no Survey Plat, the following:
 1. A note stating what portion (or all) of the survey was performed using GPS equipment;
 2. The type of GPS equipment used including manufacturer and model number, and whether single or dual frequency receivers were used;
 3. The type of GPS survey that was performed, such as static, real time kinematics ("RTK"), network adjusted real time kinematics, etc.;
 4. A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor; and
 5. The registered Land Surveyor in responsible charge of such GPS survey shall date, stamp or seal and sign the prepared documents in compliance with all applicable law.

(5) Remote Sensing Surveys.

- (a) Global Positioning System (GPS) surveys are defined as any survey performed using the GPS three-dimensional (3D) measurement system based on satellite observation signals. GPS surveys include, but are not limited to: General Property Surveys; Topography Surveys; Oil and Gas Surveys; Local Control Surveys; Network Surveys; Construction Surveys; Geodetic Control Surveys; Aerial Photography Control Surveys; Geographic Information Systems and/or Land Information Systems Data Collection Surveys and any other application listed with the Board's specifications shall be performed by a Land Surveyor licensed in Tennessee. Minimum Standards from Remote Sensing Surveys are as follows:
 1. Static GPS Surveys – The Land Surveyor must use the current GPS standards as set by the Board.
 2. Real Time Kinematic (RTK) Surveys – The Land Surveyor must use the current GPS standards as set by the Board.

(Rule 0820-03-.07, continued)

(6) Hydrographic Surveys.

- (a) Hydrographic surveying is the term applied to the process used in surveying any body of water. In the case of lakes and rivers, this may include the determination of shore lines, soundings, characteristics of the bottom, location of buoys, etc. The survey of a river may also include the determination of the velocity and characteristics of the flow. In its broad sense the term may be applied to the survey of drainage areas and proposed locations for reservoirs for the storage of water.

Hydrographic maps shall be prepared as follows:

1. A Survey Map or Survey Plat shall be a copy, print or tracing, and shall be dated and stamped or sealed and signed by the registered Land Surveyor, in compliance with all applicable law.
 2. The Survey Map or Survey Plat shall have a title and contain the same information as normally would be required under this Chapter for Topographic Surveys,
 3. In addition to the above required data, the Survey Map or Survey Plat shall show the shore line, designated with the heaviest line on the Survey Map or Survey Plat, and the low-water line designated with the next heaviest line on the Survey Map or Survey Plat.
 4. Topography to be shown outside the shore line shall be determined by the use for which the Survey Map or Survey Plat is intended, and requested in writing by the client. Topography of the submerged portions shall be shown with a dashed line.
 5. Hydrographic charts prepared for purposes of navigation shall include sufficient topography to show the location of any landmarks which may be of use to the navigator, such as conspicuous objects on the shore.
 6. Sufficient survey control points shall be shown on the Survey Map or Survey Plat in order for the survey to be tied to other maps or adjacent surveys.
 7. Where soundings are represented on the Survey Map or Survey Plat, they shall be shown in feet and tenths in black, the number representing the depth of the water below the datum. Where the datum is mean low water, these soundings which are below shall be shown in black, and those that are above the datum shall be shown in another color or method of line designation.
 8. In preparation of the navigation chart of a small river the soundings shall be recorded in feet and tenths, and contours drawn every three (3) or six (6) feet. The direction of the current shall be shown with an arrow. Rapids or waterfalls shall be shown on the Survey Map or Survey Plat when encountered in the survey.
- (b) Hydrographic surveys must conform to the above minimum standards if no other more stringent standards or specifications are provided by the client, or other standards are required by the jurisdiction of the U.S. Corps of Engineers, or other legal authority, in the area where the survey project is located.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.08 MARKING OF PROPERTY BOUNDARIES.

The marking of lines between corners is not a requirement of a General Property Survey; however, if needed, contracted or requested, the marking shall be the responsibility of the registered Land Surveyor who performs the survey.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.09 LAND DESCRIPTIONS.

- (1) Terminology. The following terminology shall be used in land descriptions:
 - (a) "Beginning" shall mean a well-defined, readily located and permanent point or monument which is both the starting point and final point for a metes and bounds description.
 - (b) "Boundary line" shall mean an adequately dimensioned and described line (which may be straight, irregular, circular or spiral) bounding an area or dividing separate properties.
 - (c) "Conveyance" shall mean the act of transferring title or rights in a property.
 - (d) "Coordinate description" shall mean a description of lands in which the angle points or other points in the boundary are each referred to grid coordinates on the Tennessee or similar coordinate system.
 - (e) "Description by lot number" shall mean a description which identifies a lot or tract of land by reference to book and page numbers of a register in which a Survey Map or Survey Plat is recorded with other pertinent information.
 - (f) "Grantor" shall mean a person or party conveying property or rights therein to a grantee.
 - (g) "Grantee" shall mean a person or party receiving title to or rights in property.
 - (h) "Grid coordinates" shall mean distances measured at right angles to each other in a rectangular system having two base lines at right angles to each other.
 - (i) "Metes and bounds description" shall mean a description in which the boundary lines starting from a given point are described by listing the direction, distance and description of corners of the lines forming the boundary.
 - (j) "Title" shall mean a written claim or right which constitutes a just and legal cause of exclusive possession.
- (2) Preparation. The Land Surveyor may prepare the land description in a land survey, but shall not engage in the writing of a deed. In the preparation of a land description, the Land Surveyor shall include on the document his full name, his registration number, and the date of the survey from which the information was procured (or the book and page numbers of the recorded Survey Map, Survey Plat or deed, if used in preparing the description).
- (3) Content.

(Rule 0820-03-.09, continued)

- (a) In the description of a lot located in a subdivision by number, the following information shall appear: the name of the subdivision; the Survey Map or Survey Plat referred to; the Land Surveyor's name; the general location of the property and the book and page number of the register in which the lot is recorded.
- (b) A metes and bounds description shall include the general location of the tract or lot with sufficient accuracy so that the tract can be readily located on the ground. The beginning point must be so selected that it can readily and accurately be located from some previously established monument, corner of record, etc., and can be readily described. The description shall include the names of adjoining property owners and/or a reference to any adjoining plat of record. The description shall include the monument or marker if found or placed and shall be described by size, material, and whether found or placed. A metes and bounds description shall describe a course around a tract or lot in a clockwise direction. All lines adjacent to street, roads or other rights-of-way shall be referenced to same; and all pertinent distances and curve data shall be listed. Chord bearing and distance shall be included in all curb descriptions. All corners falling in roads or other inaccessible locations shall be referenced to nearby and permanent points.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

0820-03-.10 INSTRUMENTS AND APPARATUS.

Land Surveying in Tennessee shall be conducted in the field with a properly adjusted instrument of measurement which is appropriate to the closeness of the work being performed. The instrument shall be calibrated at regular intervals to maintain its optimum accuracy.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed December 17, 2010; effective March 17, 2011.

**RULES
OF
TENNESSEE BOARD OF EXAMINERS
FOR LAND SURVEYORS**

**CHAPTER 0820-04
RULES OF PROFESSIONAL CONDUCT**

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0820-04-.01 APPLICABILITY.

The provisions of this chapter shall apply to any person registered to practice land surveying in this state, and to any partnership or corporation engaged in the practice of surveying in this state. For the purpose of this chapter, unless the context otherwise requires, the word "registrant" includes any person, partnership, or corporation.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.

0820-04-.02 PROPER CONDUCT OF PRACTICE.

- (1) The registrant shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of the registrant's professional duties.
- (2) A registrant possessing knowledge of a violation of T.C.A. Title 62, Chapter 18, or any rules promulgated thereunder shall report such knowledge to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as it may require.
- (3) The registrant shall respond to all inquiries and correspondence from the Board within fifteen days from the day of receipt and shall timely claim undelivered correspondence from the U.S. Postal Service, or other delivery service, upon notice thereof.
- (4) The registrant shall not assist in any way in the application for licensure of a person known by the registrant to be unqualified in respect to education, training, or experience.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Amendment filed November 17, 2014; effective February 15, 2015.

0820-04-.03 SERVICE IN AREAS OF COMPETENCE.

- (1) The registrant shall undertake to perform land surveying assignments only when qualified by education or experience in the specific technical field of professional land surveying involved.
- (2) The registrant may accept an assignment requiring education or experience outside of the registrant's own field of competence, but only to the extent that the registrant's services are restricted to those phases of the project in which the registrant is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

(Rule 0820-04-.03, continued)

- (3) The registrant shall not affix his or her signature or seal to any document dealing with subject matter in which the registrant lacks competence acquired through education or experience, nor to any document not prepared by the registrant or under the registrant's supervision.
- (4) In providing services, the registrant shall take into account all applicable laws and regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.
- (5) Incompetence. The following acts or omissions, among others, may be deemed to be "incompetence" for the purposes of T.C.A. §§62-18-116(a)(1)(B), and to be cause for denial, suspension or revocation of a certificate of registration to practice land surveying.
 - (a) Malpractice. Incompetence includes, but is not limited to recklessness, or excessive errors or omissions in the registrant's record of professional practice.
 - (b) Disability. Incompetence includes but is not limited to mental or physical disability or addiction to alcohol or drugs as to endanger health, safety and interest of the public by impairing skill and care in providing professional services.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Amendment filed November 17, 2014; effective February 15, 2015.

0820-04-.04 PUBLIC STATEMENTS.

- (1) The registrant shall be completely objective and truthful in all professional reports, statements, or testimony. The registrant shall include all relevant and pertinent information in such reports, statements, or testimony.
- (2) The registrant, when serving as an expert witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of experience and competence in the subject matter, and upon honest conviction of the accuracy and propriety of the registrant's testimony.
- (3) The registrant shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Amendment filed November 17, 2014; effective February 15, 2015.

0820-04-.05 CONFLICTS OF INTEREST.

- (1) The registrant shall conscientiously strive to avoid conflicts of interest with the registrant's employer or client; but, when such conflict is unavoidable, the registrant shall forthwith disclose the circumstances to his or her employer or client.
- (2) The registrant shall avoid all known or potential conflicts of interest with his or her employer or client, and shall promptly inform his or her employer or client of any business association, interests, or circumstances which could influence the registrant's judgment or the quality of his or her services.
- (3) The registrant shall not accept compensation (financial or otherwise) from more than one party for services on or pertaining to the same project rendered in the same time frame, unless the circumstances are fully disclosed to, and agreed to in writing, by all interested parties.

(Rule 0820-04-.03, continued)

- (4) When engaged in public service on a project as a member, advisor, or employee of a governmental body or department, the registrant and the registrant's organization shall not perform services for any other client regarding or connected to the project.
- (5) The registrant shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which the registrant serves except as authorized or required by law. The registrant shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-04-.06 ACCEPTANCE OF WORK.

- (1) The registrant shall not offer or make payment of any consideration, either directly or indirectly, by way of commission, political contribution, gift, or by any other means in order to secure work; provided, however, that nothing in this provision prohibits a registrant from seeking a salaried position through legitimate employment agencies.
- (2) The registrant shall not falsify or permit misrepresentation of his or his associates' academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.
- (3) The registrant shall not request, propose, or accept a professional commission on a contingent basis under circumstances in which his professional judgment may be compromised.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992.

0820-04-.07 MISCONDUCT.

- (1) The registrant shall not partner, practice, or offer to practice with any person or firm that the registrant knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
- (2) The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade:
 - (a) Federal, state, and local surveying and planning laws and regulations, or
 - (b) Registration requirements of T.C.A., Title 62, Chapter 18.
- (3) The following acts, among others, may be deemed to be "misconduct" for the purposes of T.C.A. §§62-18-116(a)(1)(B), and to be cause for denial, suspension, or revocation of a certificate of registration to practice land surveying:
 - (a) Conviction in a court of competent jurisdiction of a felony or any offense that has a directly unfavorable reflection on the registrant's ability to practice land surveying.

(Rule 0820-04-.07, continued)

- (b) Revocation, suspension, or disciplinary voluntary surrender of a license or certificate of registration to practice land surveying in another jurisdiction.

Nothing in this paragraph should be construed as precluding the Board from deeming other acts and conduct to be "misconduct."

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-04-.08 SEALS.

- (1) The design of the registrant's seal required by T.C.A. §§62-18-119, shall be as follows:



- (2) The seal and signature of the registrant and the date of signing shall be placed on all land surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the registrant or under the responsible charge of the registrant. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION." The size of the seal shall be two inches in diameter in all cases and on all documentation requiring the registrant's seal, regardless of the size of the document.
- (3) The registrant shall superimpose his or her signature (not a rubber stamp) and date of signature across the face and beyond the circumference of or adjacent to the seal on documents to which the registrant's seal is affixed.
- (4) The seal and signature shall be placed on all original copies, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.
- (5) When the document contains more than one sheet, the first or title page shall be sealed and signed by the registrant who was in responsible charge. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet. Two or more registrants may affix their signatures and seals, provided that the registrants designate by note under the seals the specific subject matter for which each is responsible. When a firm performs the work, each sheet shall be sealed and signed by the registrant or registrants who were in responsible charge of that sheet as required by T.C.A. § 62-18-122(b).
- (6) The seal and signature shall be placed on work only when it was under the registrant's responsible charge. The registrant shall sign and seal only work within the registrant's area(s) of competence.

(Rule 0820-04-.08, continued)

- (7) Maps, plats, surveys, or other documents will be deemed to have been prepared under the responsible charge of a registrant only when all the following conditions have been met and documented:
 - (a) The client requesting preparation of such maps, plats, surveys, or other documents makes the request directly to the registrant, or a member or employee of the registrant's firm;
 - (b) The registrant supervises the preparation of the maps, plats, surveys, or other documents and has input into their preparation prior to their completion;
 - (c) The registrant reviews the final maps, plats, surveys, or other documents; and
 - (d) The registrant has the authority to, and does, make any necessary and appropriate changes to the final maps, plats, surveys, or other documents. The registrant is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.
- (8) Any revision to a document containing the seal and signature of a registrant shall be described and dated in a manner that conforms to current industry standards. If the revisions are not done by the original registrant, the revisions must also be signed and sealed by the registrant in responsible charge of those revisions and otherwise identified in the same manner.
- (9) In circumstances where a registrant in responsible charge of the work is unavailable to complete the work, a successor registrant may take responsible charge by performing all professional services to include developing maps, plats, surveys or other documents and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor registrant but must clearly and accurately reflect the successor registrant's work. The burden is on the successor registrant to show such compliance. The successor registrant shall have control of and responsibility for the work product and the signed and sealed originals of all documents.
- (10) Computer-generated seals not signed with a digital signature may be used on final original drawings provided a handwritten signature is placed across the seal and the date is handwritten below the seal. Maps, plats, surveys or other documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be:
 - (a) Unique to the individual using it;
 - (b) Capable of verification;
 - (c) Under the sole control of the individual using it; and,
 - (d) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections 10 a–d above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and shall be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

(Rule 0820-04-.08, continued)

Authority: T.C.A. §§ 62-18-105(d), 62-18-106(c), and 62-18-119(d). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-04-.09 RESPONSIBLE CHARGE OF SERVICE.

- (1) Only officers and principals who are employed full-time for a minimum of thirty (30) hours per week and who hold active Tennessee registration can be in responsible charge of a firm's practice. A registrant who renders occasional, part-time, or consulting services to or for a firm may not be designated as an officer or principal in responsible charge.
- (2) The officer or principal in responsible charge must be registered in the profession in which services are being offered.
- (3) An officer or principal may be in responsible charge of more than one firm only if the firms are at the same physical location.
- (4) Corporations, partnerships and firms maintaining any place of business in this state for the purpose of providing or offering to provide land surveying services to the public shall have, in responsible charge of such service at any and each place of business, a resident registered land surveyor.
- (5) In the event of a change in the officer or principal in responsible charge, a firm cannot provide or offer services to the public until such time as a new officer or principal in responsible charge is identified.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 20, 1991; effective January 4, 1992. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-04-.10 PRACTICE – DISCLOSURE.

- (1) A corporation, partnership, or firm offering service to the public may engage in the practice of surveying in this state, provided that at least one (1) of the principals or officers of the corporation, partnership, or firm is in responsible charge of the practice and is registered as required in this chapter, or is otherwise authorized to practice under this chapter. The same exemptions shall apply to corporations, partnerships, and firms as apply to individuals under this chapter.
- (2) Corporations, partnerships, or firms offering surveying service to the public shall file with the board, on a form prescribed by the board, a listing of names and addresses of all principals and officers, as well as the principals or officers duly registered to practice surveying in this state who are in responsible charge of the practice in this state. The corporations, partnerships, or firms shall advise the board in writing within sixty (60) days of any change of status.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(c). **Administrative History:** Original rule filed November 17, 2014; effective February 15, 2015.

**RULES
OF
BOARD OF EXAMINERS FOR LAND SURVEYORS**

**CHAPTER 0820-05
CONTINUING EDUCATION**

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0820-05-.01 PURPOSE.

The Tennessee State Board of Examiners for Land Surveyors is authorized by T.C.A. §§62-18-106(d) (Acts 1991, Public Chapter 6), to establish continuing education requirements and standards for land surveyors. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future registered land surveyors and to establish standards by which continuing education programs will be evaluated for the awarding of credit.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994.

0820-05-.02 DEFINITIONS.

- (1) "Active" means a registered land surveyor who has complied with the continuing education requirements prescribed herein.
- (2) "Board" means the Tennessee State Board of Examiners for Land Surveyors.
- (3) "Inactive" means a registered land surveyor who has obtained inactive status from the Board pursuant to Rule 0820-05-.06 and is not required to comply with the continuing education requirements prescribed herein. An inactive registrant may not engage in the practice of land surveying in the State of Tennessee.
- (4) "Professional Development Hour (PDH)" means an hour of continuing education found acceptable by the Board.
- (5) "Retired" means a registered land surveyor who has obtained retired status from the Board pursuant to TCA §62-18-128 and is not required to comply with the continuing education requirements prescribed herein. A retired registrant may not engage in the practice of land surveying in the State of Tennessee.
- (6) Ethics/Business-Related Course or Activity-A qualifying course or activity with content areas related to: (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge to the licensee's field and methods of practice.

(Rule 0820-05-.02, continued)

- (7) Continuing Education Unit (CEU)-Unit of credit customarily used for continuing education courses. One (1) continuing education unit equals ten (10) hours of class in an approved continuing education course.
- (8) College/Unit Semester/Quarter Hour-Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.03 BASIC REQUIREMENTS.

- (1) Every licensee is required to obtain the equivalent of thirty (30) PDH's per biennial renewal period. These PDH's may be obtained any time during the applicable renewal period. A minimum of two (2) PDH's shall be earned by successfully completing a course or activity that has content areas focused on surveying ethics and standards of practice. If a licensee exceeds the biennial requirement in any renewal period, a maximum of fifteen (15) PDH's may be carried forward to the subsequent renewal period. PDH's may be earned as follows:
 - (a) Successful completion of college courses;
 - (b) Successful completion of continuing education courses;
 - (c) Presenting or attending qualifying seminars, webinars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences;
 - (d) Teaching or instructing in 1 through 3 above;
 - (e) Authoring published papers, articles, books, or accepted licensing examination items;
 - (f) Active participation in professional or technical societies (limited to two (2) PDH's per organization and requires that the registrant serve as an officer and/or actively participate on a committee of that organization);
 - (g) Receiving a patent; or,
 - (h) Active participation in educational outreach activities pertaining to professional licensure or the surveying profession which involve grades K-12 or higher education students.
- (2) A registrant seeking biennial renewal of active registration must, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained thirty (30) PDH's during the two (2) year period immediately preceding application for renewal (carryover hours, not exceeding fifteen (15) hours, from the next preceding renewal cycle may be included).
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for the initial one (1) year period of active registration; however, a new registrant is required to obtain continuing education requirements for application toward the second year of the initial licensing period, if initial licensure includes two (2) years.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-05-.04 CONVERSION TABLE.

- (1) Conversion of other units of credit to PDH's is as follows:
 - (a) 1 college or unit semester hour 45 PDH
 - (b) 1 college or unit quarter hour..... 30 PDH
 - (c) 1 continuing education unit..... 10 PDH
 - (d) 1 hour of professional development in coursework, seminars, webinars or professional or technical presentations made at meetings, conventions or conferences..... 1 PDH
 - (e) Teaching any of (a) through (d) above PDH value times 2
Teaching credit shall only be valid for the first offering or presentation. Full-time faculty may not claim teaching credit associated with regular duties of employment.
 - (f) Publications:
 - (1) Each published peer-reviewed paper or book in the registrant's area of professional practice..... 10 PDH
 - (2) Each published paper or article, other than (f)(1) above, in the registrant's area of professional practice..... 5 PDH
 - (g) Active participation as an officer or committee member in professional and technical societies..... 2 PDH
 - (h) Each patent obtained..... 10 PDH
 - (i) 1 hour of outreach activities.....1 PDH (not to exceed 3 PDH)

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-05-.05 TYPES OF ACCEPTABLE CONTINUING EDUCATION.

- (1) Continuing education activities for which credit may be given by the board include college and university courses which are awarded continuing education units (CEU's), and those portions of technical meetings, seminars, webinars, tutorials, short courses and correspondence courses that are related to practice of land surveying.
- (2) The Board will grant credit for only such continuing education activities that satisfy the following criteria:
 - (a) There is clear purpose and objectivity for each activity;
 - (b) The content of each presentation is well organized and presented in a sequential manner;
 - (c) There is evidence of pre-planning which should include the opportunity for input by the target group to be served;

- (d) The presentation will be made by persons who are well-qualified by reason of education or experience; and,
 - (e) There is provision for individual participant registration which will include information required for record keeping and reporting.
- (3) The Board will grant no credit to a registrant for a course, technical meeting, seminar, webinar or tutorial repeated by the registrant within three (3) years (if credit was originally granted), unless, in the Board's opinion, there is a substantial change in the content of such course, technical meeting, seminar, webinar or tutorial of the complexity of the subject matter that warrants award of additional credit.
 - (4) All activities submitted to the Board for continuing education credit are subject to approval by the Board.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.06 INACTIVE AND RETIRED REGISTRANTS.

- (1) A registered land surveyor in good standing may request in writing to be placed on the Board's inactive or retired roll, thereby obtaining inactive or retired status.
- (2) An inactive or retired registrant will be permitted to retain that registrant's original certificate of registration by paying the fee for registration without submitting proof of complying with the continuing education requirements prescribed herein.
- (3) An inactive or retired registrant may not engage in the practice of land surveying in the State of Tennessee. Any practice or offer to practice land surveying in the State of Tennessee by an inactive or retired registrant shall constitute misconduct for the purpose of Tennessee Code Annotated, Section 62-18-116(a)(1)(B) (grounds for revocation or suspension of certificate by the Board.)

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.07 REINSTATEMENT TO ACTIVE REGISTRATION.

- (1) An inactive or retired registrant seeking to reinstate an inactive or retired registration of one (1) year or more must submit a request in writing to the Board with a fee of twenty-five dollars (\$25.00) and must satisfy one (1) of the following requirements:
 - (a) Satisfaction of the biennial PDH requirement multiplied by the number of years of inactive or retired status up to a maximum of thirty (30) PDH's; or
 - (b) Successful completion of the Tennessee State Specific Land Surveying examination within one (1) year immediately prior to application for reinstatement.
- (2) An inactive or retired registrant seeking to reinstate an inactive or retired registration of less than two (2) years must meet the biennial PDH requirement.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.08 NONCOMPLIANCE.

Unless a request for inactive or retired status is made, any registrant failing to furnish the required continuing education form, properly completed and signed, shall not be granted renewal of registration by the Board and shall lose the right to practice land surveying in the State of Tennessee upon the expiration of registration.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.09 HARDSHIPS AND EXEMPTIONS.

- (1) Notwithstanding any other provision of this Chapter to the contrary, the Board may exempt a registrant from complying with all or part of the continuing education requirements for a given year in the following cases:
 - (a) A registrant affected by physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board; provided that adequate supporting documentation is furnished to the Board.
 - (b) A non-career military registrant serving on active duty in the armed forces of the United States for a period of one hundred twenty (120) consecutive days in a calendar year; provided that the adequate supporting documentation is furnished to the Board.
 - (c) Those who are sixty-five (65) years of age or older who also have twenty-five (25) or more years of active registration; provided that adequate supporting documentation is furnished to the Board. Registrants under this exemption must still obtain the two (2) PDH's relative to surveying ethics and standards of practice as provided by rule 0820-05-.03(1).

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.10 REPORTS AND RECORDS.

- (1) Each registrant shall report, on a form provided by the Board, the continuing education activities undertaken during the preceding renewal period.
- (2) The registrant shall maintain a file in which records of the activities are kept, including dates, subjects, duration of programs, printed program schedules, registration receipts or other proof of participation, and other appropriate documentation, for a period of three (3) years after the date of the program or activity.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Amendment filed November 17, 2014; effective February 15, 2015.

0820-05-.11 SPONSORS.

Any sponsor that offers an organized continuing education program for which credit for the program will be requested shall keep a record of attendees at each session and shall furnish the Board a copy of the attendees within thirty (30) days of the conclusion of the program.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994.

0820-05-.12 APPROVAL OF PROGRAMS.

- (1) Approval of any program may be granted for a period of two (2) years from the date of approval to a sponsoring organization or individual if the following information is submitted to the Board:
 - (a) Instructors and their qualifications; and,
 - (b) Synopsis of course material.
- (2) No sponsor may provide any continuing education course(s) without prior approval from the Board.
- (3) Upon completion of the approved course the sponsor shall submit to the Board the record of attendees as provided in Rule 0820-05-.11 above and time, place and schedule of activities.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-05-.13 AUDITS.

The Board may conduct random audits of continuing education activities and registrants participation therein. Should deficiencies be discovered, registrants will be notified and have six (6) months to satisfy the deficiencies, except where such audits reveal fraudulent misrepresentations to have been made by a registrant.

Authority: §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994.

0820-05-.14 COMITY.

- (1) The Board will deem a registrant to have met the continuing education requirements provided herein if such registrant, when making submission of continuing education toward renewal of Tennessee registration, certifies in writing the following:
 - (a) The registrant resides in another state or territory which has been recognized by the Tennessee Board and shall satisfy all continuing education requirements for renewal in Tennessee.

Authority: T.C.A. §§ 62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994. Repeal and new rule filed November 17, 2014; effective February 15, 2015.

0820-05-.15 ADVISORY COMMITTEE.

The Board may appoint an advisory committee to assist the Board in evaluating continuing education programs to determine the allowable credit to be awarded.

Authority: T.C.A. §§62-18-105(d) and 62-18-106(d). **Administrative History:** Original rule filed October 28, 1993; effective January 11, 1994.