

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3104**

By Delegates Cooper, Street, Heckert, and Sheedy

[Introduced January 27, 2023; Referred to the  
Committee on Political Subdivisions then Government  
Organization]

1 A BILL to amend and reenact §30-13A-10 of the Code of West Virginia, 1931, as amended,  
 2 relating to requiring land surveyors to offer to record maps or plats of measured parcels of  
 3 land made by the surveyor.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE                      13A.                      LAND                      SURVEYORS.**

**§30-13A-10. Scope of Practice.**

1            (a) A licensee may measure a parcel of land and ascertain its boundaries, corners and  
 2 contents or make any other authoritative measurements and, in the case of measuring a parcel of  
 3 land, the licensee shall offer to record the map or plat of the measurements of the survey, for the  
 4 land owner, in the office of the clerk of the county commission of the county in which the land is  
 5 located. The practice of surveying can be any of the following, but not limited to:

6            (1) The performance of a boundary, cadastral, construction, geodetic control,  
 7 hydrographic, land, mortgage/loan inspection, oil or gas well, partition, photogrammetry,  
 8 retracement, subdivision or surface mine survey; or

9            (2) The location, relocation, establishment, reestablishment, laying out or retracement of  
 10 any property line or boundary of any parcel of land or of any road or utility right-of-way, easement,  
 11 strip or alignment or elevation of any fixed works by a licensed surveyor.

12            (b) Activities that must be performed under the responsible charge of a professional  
 13 surveyor, unless specifically exempted in subsection (c) of this section, include, but are not limited  
 14 to, the following:

15            (1) The creation of maps and georeferenced databases representing authoritative  
 16 locations for boundaries, the location of fixed works, or topography;

17            (2) Maps and georeferenced databases prepared by any person, firm, or government  
 18 agency where that data is provided to the public as a survey product;

19            (3) Original data acquisition, or the resolution of conflicts between multiple data sources,  
 20 when used for the authoritative location of features within the following data themes: Geodetic

21 control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries, and  
22 cadastral information;

23 (4) Certification of positional accuracy of maps or measured survey data;

24 (5) Adjustment or authoritative interpretation of raw survey data;

25 (6) Geographic Information System (GIS) - based parcel or cadastral mapping used for  
26 authoritative boundary definition purposes wherein land title or development rights for individual  
27 parcels are, or may be, affected;

28 (7) Authoritative interpretation of maps, deeds, or other land title documents to resolve  
29 conflicting data elements;

30 (8) Acquisition of field data required to authoritatively position fixed works or cadastral data  
31 relative to geodetic control; and

32 (9) Analysis, adjustment or transformation of cadastral data of the parcel layer(s) with  
33 respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy.

34 (c) The following items are not included as activities within the practice of surveying:

35 (1) The creation of general maps:

36 (A) Prepared by private firms or government agencies for use as guides to motorists,  
37 boaters, aviators, or pedestrians;

38 (B) Prepared for publication in a gazetteer or atlas as an educational tool or reference  
39 publication;

40 (C) Prepared for or by education institutions for use in the curriculum of any course of  
41 study;

42 (D) Produced by any electronic or print media firm as an illustrative guide to the geographic  
43 location of any event; or

44 (E) Prepared by laypersons for conversational or illustrative purposes. This includes  
45 advertising material and users guides.

46 (2) The transcription of previously georeferenced data into a GIS or LIS by manual or

47 electronic means, and the maintenance thereof, provided the data are clearly not intended to  
48 indicate the authoritative location of property boundaries, the precise definition of the shape or  
49 contour of the earth, and/or the precise location of fixed works of humans.

50 (3) The transcription of public record data, without modification except for graphical  
51 purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or  
52 electronic means, and the maintenance of that cadastre, provided the data are clearly not intended  
53 to authoritatively represent property boundaries. This includes tax maps and zoning maps.

54 (4) The preparation of any document by any federal government agency that does not  
55 define real property boundaries. This includes civilian and military versions of quadrangle  
56 topographic maps, military maps, satellite imagery, and other such documents.

57 (5) The incorporation or use of documents or databases prepared by any federal agency  
58 into a GIS/LIS, including but not limited to federal census and demographic data, quadrangle  
59 topographic maps, and military maps.

60 (6) Inventory maps and databases created by any organization, in either hard-copy or  
61 electronic form, of physical features, facilities, or infrastructure that are wholly contained within  
62 properties to which they have rights or for which they have management responsibility. The  
63 distribution of these maps and/or databases outside the organization must contain appropriate  
64 metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and  
65 date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a  
66 survey product.

67 (7) Maps and databases depicting the distribution of natural resources or phenomena  
68 prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists,  
69 historians, or other persons qualified to document such data.

70 (8) Maps and georeferenced databases depicting physical features and events prepared  
71 by any government agency where the access to that data is restricted by statute. This includes  
72 georeferenced data generated by law enforcement agencies involving crime statistics and criminal

73 activities.

NOTE: The purpose of this bill is to require land surveyors to offer to record maps or plats of measured parcels of land made by the surveyor.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.