

ASSEMBLY BILL

No. 2560

Introduced by Assembly Member Obernolte

February 19, 2016

An act to amend Sections 8704, 8720.1, 8743, 8744, 8748.5, 8760, 8770, 8773.3, 8775.2, 8783, and 8804 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2560, as introduced, Obernolte. Professional Land Surveyors' Act.

The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, and requires any person practicing, or offering to practice, land surveying in the state to submit evidence that he or she is qualified to practice and to be licensed under the act.

This bill would change masculine pronouns, as specified, throughout that act and make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8704 of the Business and Professions
- 2 Code is amended to read:
- 3 8704. Any person practices land surveying when he *or she*
- 4 professes to be a land surveyor or is in responsible charge of land
- 5 surveying work.

1 SEC. 2. Section 8720.1 of the Business and Professions Code
2 is amended to read:

3 8720.1. Each review committee shall consist of no fewer than
4 three licensed land surveyors appointed by the board. Each member
5 of a committee shall have the same qualifications and shall be
6 subject to the same rules and regulations as if he *or she* were a
7 member of the board.

8 SEC. 3. Section 8743 of the Business and Professions Code is
9 amended to read:

10 8743. The names and addresses of at least four land surveyors
11 or civil engineers, duly qualified to practice in the place in which
12 such practice has been conducted, each of whom has sufficient
13 knowledge of the applicant to enable him *or her* to certify to the
14 applicant's professional integrity, ~~ability~~ *ability*, and fitness to
15 receive a license, shall be submitted with the application for the
16 second division of the examination.

17 SEC. 4. Section 8744 of the Business and Professions Code is
18 amended to read:

19 8744. The applicant for the second division of the examination
20 shall state in his *or her* application that, should he *or she* be
21 licensed, he *or she* will support the Constitution of this ~~State~~ *state*
22 and of the United States, and that he *or she* will faithfully discharge
23 the duties of a licensed land surveyor.

24 SEC. 5. Section 8748.5 of the Business and Professions Code
25 is amended to read:

26 8748.5. If an applicant for license as a land surveyor or
27 certification as a land surveyor-in-training is found by the board
28 to lack the qualifications required for admission to the examination
29 for such license or certification, the board may, in accordance with
30 the provisions of Section 158 of this code, refund to him *or her*
31 one-half of the amount of his *or her* application fee.

32 SEC. 6. Section 8760 of the Business and Professions Code is
33 amended to read:

34 8760. Every licensed land surveyor or registered civil engineer
35 may administer and certify oaths:

36 (a) When it becomes necessary to take testimony for the
37 identification or establishment of old, ~~lost~~ *lost*, or obliterated
38 corners.

1 (b) When a corner or monument is found in a perishable
2 ~~condition~~, *condition* and it appears desirable that evidence
3 concerning it be perpetuated.

4 (c) When the importance of the survey makes it ~~desirable~~,
5 *desirable* to administer an oath to his *or her* assistants for the
6 faithful performance of ~~their~~ *his or her* duty.

7 A record of oaths shall be preserved as part of the field notes of
8 the survey and a memorandum of them shall be made on the record
9 of survey filed under this article.

10 SEC. 7. Section 8770 of the Business and Professions Code is
11 amended to read:

12 8770. The record of survey filed with the county recorder of
13 any county shall be securely fastened by him *or her* into a suitable
14 book provided for that purpose.

15 He *or she* shall keep proper indexes of such record of survey by
16 the name of grant, tract, ~~subdivision~~ *subdivision*, or United States
17 subdivision.

18 The original map shall be stored for safekeeping in a reproducible
19 condition. It shall be proper procedure for the recorder to maintain
20 for public reference a set of counter maps that are prints of the
21 original ~~maps~~, *maps* and the original maps to be produced for
22 comparison upon demand.

23 SEC. 8. Section 8773.3 of the Business and Professions Code
24 is amended to read:

25 8773.3. In every case where a corner record is filed pursuant
26 to Section 8773, the licensed land surveyor or registered civil
27 engineer shall reconstruct or rehabilitate the monument of such
28 corner, and accessories to such corner, so that the same shall be
29 left by him *or her* in such physical condition that it remains as
30 permanent a monument as is reasonably possible and so that the
31 same may be reasonably expected to be located with facility at all
32 times in the future.

33 SEC. 9. Section 8775.2 of the Business and Professions Code
34 is amended to read:

35 8775.2. Maps, documents, or reports prepared by, or under the
36 direction of, a licensed photogrammetric surveyor shall carry his
37 *or her* signature and certificate ~~number~~ *number*, which will indicate
38 his *or her* responsibility for the work.

39 SEC. 10. Section 8783 of the Business and Professions Code
40 is amended to read:

1 8783. A plea or verdict of guilty or a conviction following a
 2 plea of nolo contendere made to a charge substantially related to
 3 the qualifications, ~~functions~~ *functions*, and duties of a land surveyor
 4 is deemed to be a conviction within the meaning of this article.
 5 The board may order the license or certificate suspended or
 6 revoked, or may decline to issue a license or certificate, when the
 7 time for appeal has ~~elapsed~~, or *elapsed*, the judgment of conviction
 8 has been affirmed on ~~appeal~~ *appeal*, or when an order granting
 9 probation is made suspending the imposition of sentence,
 10 irrespective of a subsequent order under the provisions of Section
 11 1203.4 of the Penal Code allowing such person to withdraw his
 12 or her plea of guilty and to enter a plea of not guilty, or setting
 13 aside the verdict of guilty, or dismissing the accusation, ~~information~~
 14 *information*, or indictment.

15 SEC. 11. Section 8804 of the Business and Professions Code
 16 is amended to read:

17 8804. The renewal or reinstatement of any certificate of
 18 registration of a civil engineer under Chapter 7 (commencing with
 19 Section ~~6700~~) of Division ~~3~~, *6700*), who is also a licensed land
 20 surveyor, shall not include the renewal or restoration of his or her
 21 land surveyor's ~~license~~, *license* without the payment of the
 22 surveyor's renewal fee or penalty.