

Ethics,
 201 KAR 18:142 Code of Professional
 Practice and Conduct,
 201 KAR 18:150 Standards of Practice,
 201 KAR 18:200 Minimum Standards of
 Practice for Mortgage Inspections in Kentucky
 and
 KRS 322

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Concepts

Professional Ethics

Ethics in General Concerns the Idea of Right and
 Wrong Behavior

Professional Ethics Concerns What is Right or
 Wrong in Your Actions as a Professional Land
 Surveyor

Partially Codified in the Code of Professional
 Practice and Conduct

Concepts

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

Specific Considerations for Ethical Actions as a
 Professional

Is Not a Full Outline of Ethical Actions for Each
 Situation, but is a Guide for Overall Ethical
 Actions

Concepts

Standards of Practice (201 KAR 18:150 & 18:200)
Often Referred to as Minimum Technical Standards

Guidelines for Technical Procedures and Practices in Order to Conform With the Minimum Level of Work Required

If Followed, Are a Good Start on Ethical Actions

Comparison of Concepts

| Standards | Ethics | Code of Conduct |
|---|---|--|
| Technical In Nature | Philosophical or Social in Nature | Technical Approach to Philosophical Matter |
| Minimal Level of Action Required to Meet a Set Standard | Somewhat Subjective, Based on Personal Views and Societal Norms | Minimal Required Value Judgments Set in Order to Protect the Public Good |
| Reasonable Clear and Concise Subject | Areas That Can Be Debated Based on Individual Viewpoint | Expected Conduct and Actions Within a Profession |

Ethics

- 1 the discipline dealing with what is good and bad and with moral duty and obligation
- 2 a : a set of moral principles : a theory or system of moral values
b : the principles of conduct governing an individual or a group <professional ethics>
c : a guiding philosophy
d : a consciousness of moral importance
- 3 a set of moral issues or aspects (as rightness)

merriam-webster.com

Ethics

From the Greek word *ethos* - meaning "character".

Ethos being the root of *ethikos* – meaning "moral, showing moral character".

Which leads to the Latin *ethica*, or "moral philosophy".

Ethics

Are "ethics" and "morality" the same thing?

Can an idea or action be both ethical and immoral?

Can an idea or action be both unethical and moral?

Ethics (NSPS Surveyor's Creed)

Surveyor's Creed

As a Professional Surveyor, I dedicate my professional knowledge and skills to the advancement and betterment of human welfare.

I pledge:

- To give the utmost of performance;
- To participate in none but honest enterprise;
- To live and work according to the laws of humankind and the highest standards of professional conduct;
- To place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations;

In humility and with need for Divine Guidance, I make this pledge.

Ethics (NSPS Surveyor's Cannons)

Canon 1.
A Professional Surveyor should refrain from conduct that is detrimental to the public.

Canon 2.
A Professional Surveyor should abide by the rules and regulations pertaining to the practice of surveying within the licensing jurisdiction.

Canon 3.
A Professional Surveyor should accept assignments only in one's area of professional competence and expertise.

Canon 4.
A Professional Surveyor should develop and communicate a professional analysis and opinion without bias or personal interest.

Ethics (NSPS Surveyor's Cannons)

Canon 5.
A Professional Surveyor should maintain the confidential nature of the surveyor-client relationship.

Canon 6.
A Professional Surveyor should use care to avoid advertising or solicitation that is misleading or otherwise contrary to the public interest.

Canon 7.
A Professional Surveyor should maintain professional integrity when dealing with members of other professions.

Ethics

Ethics/Morality
In Various Religious and Philosophical Views

"And as ye would that men should do to you, do ye also to them likewise." *Luke 6:31, King James Version*

Christianity

Ethics

Ethics/Morality
In Various Religious and Philosophical Views

"Hurt not others in ways that you yourself would find hurtful." *Udana-Varga 5:18*

Buddhism

Ethics

Ethics/Morality
In Various Religious and Philosophical Views

"What is hateful to you, do not to your fellow man.
This is the law: all the rest is commentary." *Talmud, Shabbat 31a.*

Judaism

Ethics

Ethics/Morality
In Various Religious and Philosophical Views

"Act as if the maxim of thy action were to become by thy will a universal law of nature." *Foundations of the Metaphysics of Morals*

Immanuel Kant

Ethics

Ethics/Morality
In Various Religious and Philosophical Views

"Do not do to others that which would anger you if others did it to you."

Socrates
(a.k.a. So Crates Johnson)

Ethics

Application of Ethics:

Working for an auctioneer, you are hired to divide a property for sale at an estate auction. During the course of your work, you find that there are yet to be finalized plans for a future highway across said property. No R/W has been purchased at this time, nor has the property owner been approached about the purchase of R/W.

What are your ethical obligations?
How do you approach this situation?

Ethics

Application of Ethics:

A property owner hires you to survey their property and divide it into three tracts. During the course of your work, you find that one of the tracts will lie within a FEMA designated flood zone.

What are your ethical obligations?
How do you approach this situation?

Ethics

Application of Ethics:

You are hired to survey a tract of land and produce a map for architectural design. You find all original monuments. The lot as surveyed is 0.35' short in road frontage from the published plan.

You are later asked to layout the house location for construction. In reviewing the plans, you see that the lot has been entered by plat dimensions and the full building envelope used – placing the building within the setback.

What are your ethical obligations?
How do you approach this situation?

Code of Professional Practice and Conduct

201 KAR 18:142

Conduct

Section 1. Definitions.

(1) "Conflict of interest" means any circumstance in which a licensee's personal or financial interest is contrary to the interests of the public, his or her employer, or current or past client.

Conduct

Section 1. Definitions.

(2) "Direct supervisory control" in the practice of engineering means that an engineer licensee directly supervises and takes responsibility for consultation, investigation, evaluation, planning, design and certification of an engineering project and includes only that work performed by an employee as defined in subsection (4) of this section.

Conduct

Section 1. Definitions.

(3) "Direct supervisory control" in the practice of land surveying means that a surveyor licensee who certifies a work product directly supervises and takes responsibility for the survey and includes only that work performed by an employee as defined in subsection (4) of this section.

Conduct

Section 1. Definitions.

(4) "Employee" means a person who works for a licensee or his or her employer for wages or a salary and includes professional and technical support personnel contracted on a temporary or occasional basis, if the compensation is paid directly by the licensee or his or her employer. It does not include a person who provides services to the licensee as an outside consultant or specialist.

Conduct

Section 1. Definitions.

(5) "Licensee" means any natural person licensed by the board to practice professional engineering or professional land surveying, or any business entity permitted under KRS 322.060.

Conduct

Section 1. Definitions.

(6) "Work product" means any engineering or land surveying plan, plat, document or other deliverable requiring certification that is intended to represent activities conducted in the practice of engineering or land surveying.

Conduct

Section 2. The engineer or land surveyor shall conduct his or her practice in order to protect the public health, safety, and welfare.

(1) The practice of professional engineering and land surveying is a privilege, and not a right.

(2) If a licensee's judgment is overruled and a licensee has reason to believe the public health, safety or welfare may be endangered, the licensee shall inform his or her employer or client of the possible consequences and, if not resolved, notify appropriate authorities.

Conduct

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

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

Conduct

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

(2) If serving as an expert or technical witness before any tribunal, a licensee shall express an opinion only if it is founded on adequate knowledge of the facts in issue, on the basis of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of that testimony, and shall act with objectivity and impartiality. A licensee shall not ignore or suppress a material fact.

Conduct

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

(3) A licensee shall not issue a statement or opinion on professional matters connected with public policy unless the licensee has identified himself or herself, has disclosed the identity of the party on whose behalf the licensee is speaking, and has disclosed any pecuniary interest the licensee may have in the matter.

Conduct

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

(4) A licensee shall not maliciously injure the professional reputation, prospect, practice or employment of another licensee.

Conduct

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

(5) A licensee shall not accept a contingency fee for serving as an expert witness before any tribunal.

Conduct

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

(6) A licensee shall maintain for a period of not less than five (5) years, calculations and documents necessary to support work products.

Conduct

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

(7) A professional land surveyor shall maintain records for boundary surveys under 201 KAR 18:150, Section 10(2) and (3).

Conduct

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

(8) The requirements of subsections (6) and (7) of this section shall be satisfied for the individual licensee employed by a business entity permitted by the board in conformance with KRS 322.060 by that permitted entity's compliance with subsections (6) and (7) of this section.

Conduct

Section 4. A licensee shall avoid conflicts of interest.

(1) If a reasonable possibility of a conflict of interest exists, a licensee shall promptly notify his or her employer, client or past client.

Conduct

Section 4. A licensee shall avoid conflicts of interest.

(2) A licensee shall not accept a valuable consideration from more than one (1) party for services pertaining to the same identical project, unless the circumstances are fully disclosed to all other principal parties directly involved in the project.

[illegible]

Conduct

Section 4. A licensee shall avoid conflicts of interest.

(3) A licensee shall not solicit or accept a valuable consideration either for specifying materials or equipment, or from contractors, their agents or other parties dealing with a client or employer in connection with work for which the licensee is responsible.

Conduct

Section 4. A licensee shall avoid conflicts of interest.

(4) A licensee shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement regarding the cost, quality or extent of services to be performed.

[illegible]

Conduct

Section 4. A licensee shall avoid conflicts of interest.

(5) A licensee shall not misrepresent his or her professional qualifications or experience, or those of the licensee's associates.

Conduct

Section 4. A licensee shall avoid conflicts of interest.


(6) A licensee serving as a member, advisor, or employee of a governmental body shall not participate in decisions with respect to professional services offered or provided by him or her or by a business entity in which the licensee is a principal, officer or employee, to that governmental body.

Conduct

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

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

(2) A licensee may advertise professional services if the advertising is not false or misleading.




Conduct

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

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


(2) A licensee shall not aid or abet the illegal practice of engineering or land surveying.



Conduct

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

(1) A licensee shall undertake to perform professional assignments only if qualified by education or experience in the specific technical field involved.



Conduct

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

(2) A licensee may accept an assignment requiring education or experience outside his or her own field of competence, but only to the extent that his or her services are restricted to those parts of the project in which the licensee is competent. All other parts of the project shall be certified by licensed associates, consultants or employees.

Conduct

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

(3) If a question of the competence of a licensee to perform a professional assignment in a specific technical field is an issue and cannot be otherwise resolved to the satisfaction of the board, the board, upon a majority vote or upon request by the licensee, may require the licensee to satisfactorily complete an examination the board deems appropriate and relevant.

Conduct

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

(1) A professional engineer may review and certify the work product of another professional engineer if:

- (a) The review and certification are made at the request of the other professional engineer;
- (b) He or she does not remove or obliterate the identity of the other professional engineer;
- (c) He or she performs and retains in his or her possession for not less than five (5) years all calculations and documents necessary to perform an adequate review; and
- (d) He or she confirms that the other professional engineer was licensed when the work was created.

Conduct

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

(2) If a professional engineer undertakes to review only a portion of the work product of another professional engineer, his or her certification shall clearly identify the portion reviewed.

Conduct

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

(3) A professional engineer may modify the work product of another professional engineer, whether or not the project has been built, if he or she retains in his or her possession for not less than five (5) years a record of his or her modifications.

Conduct

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

(4) If a professional engineer modifies the work product of another professional engineer, his or her certification shall clearly identify, by words or graphics, that portion that was modified.

Conduct

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

(5) A professional engineer may incorporate in his or her work product the designs of manufactured or standard components developed by manufacturers, suppliers or professional or technical societies and associations.

Conduct

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

(6) If, in the professional land surveyor's reasonable judgment, his or her personal participation is not required in performing a particular aspect of a project, he or she may delegate those tasks to an employee, if all work is actually reviewed by the licensee.

Conduct

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

(7) The need for a professional land surveyor to make a site visit shall be dictated by the nature, size and complexity of a project. However, the failure to make a site visit in a substantial percentage of surveys may be construed as a failure to exercise direct supervisory control.

Conduct

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

(8) While an employee may investigate the circumstances of a potential project, only a licensee may establish the scope of work to be performed.

Conduct

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

Conduct

Section 10. If a licensee has knowledge or reason to believe that any person or other licensee is in violation of KRS Chapter 322 or any administrative regulation adopted by this board, the licensee shall present that information to the board in writing and shall cooperate with the board in furnishing information within his or her knowledge.

Standards of Practice for Professional Land Surveyors

201 KAR 18:150

Definitions

- (1) "Boundary" means the perimeter of a parcel or tract of land.
- (2) "Boundary survey" means a survey to:
- (a) Determine either the entire perimeter of a parcel or tract of land, or a portion of the perimeter of a parcel or tract of land;
 - (b) Establish or reestablish a parcel or tract of land's corner or monument; or
 - (c) Divide or consolidate the parcels or tracts of land surveyed.

Which of These is a Boundary Survey?

| | | | |
|---|--|--|--|
| Measure Perimeter of 60 Acre Farm | | Measure Perimeter of 0.65 Acre Town Lot | |
| Mark the Line Between Neighbors for a Fence | | Re-set One Corner of a Property | |
| Locate Existing Ingress/Egress Easement | | Map New Waterline Easement | |
| Find the Corners of a Tract for a Real Estate Closing | | Mark the Division Line of Properties for Logging | |

Definitions

- (3) "Completion Date of Survey" means the last date when all the monuments were either found or set for the plat of survey area.
- (4) "Corner" means a point that designates a change in the direction of the boundary.
- (5) "Field work" means that work performed by a land surveyor on the ground in connection with the parcel or tract being surveyed.

Definitions

(6) "GIS" means Geographic Information System and is any system that captures, stores, analyzes, manages, and presents data that are linked to a land location and is the merging of cartography and database technology.

(7) "GNSS" means Global Navigation Satellite Systems. The standard generic term for satellite navigation systems that provide autonomous geo-spatial positioning with global coverage.

Definitions

(8) "GPS" means the United States NAVSTAR Global Positioning System, a space-based global navigation satellite system that when used in conjunction with suitable GPS receivers and processing software, provides reliable location information to the level of precision specified in this administrative regulation, in all weather and at all times and anywhere on the earth where there is an unobstructed line of sight to four (4) or more GPS satellites.

Definitions

(9) "Meander point" means a survey point or station marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.

(10) "Monument" means an artificial, manmade or natural object that is used as, or presumed to occupy, any of the following locations:

- (a) A property corner;
- (b) A point on the boundary; or
- (c) A reference point.

Definitions

(11) "Plat" means any representational drawing created by a land surveyor reflecting work falling within the definition of land surveying.

(12) "Plat of survey" means a finished drawing of a completed survey of a parcel or tract of land, used to depict the final results of a boundary survey, drawn on a dimensionally stable media suitable for reproduction of copies.

(13) "Point on Line" means a point on a boundary line other than a corner.

Definitions

(14) "Reference monument" means a monument:

- (a) That does not occupy the same defined position as a property corner; and
- (b) Whose relationship to the corner of the property is established by bearing and distance to the actual corner.

Definitions

(15) "Relative Positional Accuracy" means the value expressed in feet that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.

(16) "Retracement survey" means a boundary survey of an existing parcel or tract of land.

Section 2. Application.

(1) Boundary surveys. The standards of practice established in Sections 1 through 12 of this administrative regulation:

- (a) Shall apply to the work product related to:
 - 1. Boundary surveys used for the purpose of creating, depicting, or locating interests in land;
 - 2. Partial surveys;
 - 3. Boundary surveys of leases; and
 - 4. Deed descriptions written by professional surveyors;

Section 2. Application.

(b) Shall be the minimum standards of practice for a professional land surveyor; and

(c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:

- 1. An agency;
- 2. An owner;
- 3. A contract; or
- 4. The professional land surveyor.

Section 2. Application.

(d) Shall not apply to surveys to determine or define political areas including historical, school, fire, voting, utility or magisterial districts, municipal or county limits, or governmental permit limits.

Section 2. Application.

(2) Land surveying work other than boundary surveys. The standards of practice established in Sections 1, 2, 3, and 13 of this administrative regulation:

(a) Shall apply to the work of the professional land surveyor falling within the definition of land surveying, but not falling within the definition of a boundary survey;

(b) Shall be the minimum standards of practice for a professional land surveyor for that work; and

Section 2. Application.

(c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:

1. An agency;
2. An owner;
3. A contract; or
4. The professional land surveyor.

Summary – When Do the Standards Outlined in 201 KAR 18:150 Apply?

| Section 1 – 12 Apply to: | Section 1 - 12 Are |
|--|--|
| Boundary Surveys | A Minimum Standard of Performance |
| Partial Surveys | Can Be Exceeded As Required By an Agency, Owner, Contract, or Signing Professional |
| Boundary Surveys of Leases | Do Not Apply to Certain Mapping Areas |
| Deed Descriptions Prepared By a Professional Land Surveyor | |

Summary – When Do the Standards Outlined in 201 KAR 18:150 Apply?

| | |
|---|---|
| Section 1, 2, 3, & 13 Apply to: | Section 1,2,3, & 13 Are: |
| Land Surveying Work That is Not Defined As a Boundary Surveying | The Minimum Level of Performance Required Can Be Exceeded As Required By an Agency, Owner, Contract, or the Signing Professional |

Section 3. Compliance

(1) Failure to comply with this administrative regulation shall constitute misconduct, gross negligence, incompetence, or a combination of these violations in the practice of professional land surveying.

Section 3. Compliance

(2) A professional land surveyor shall not represent that:

- (a) A boundary survey determines land ownership; or
- (b) A boundary survey provides more than evidence of rights in land; or
- (c) Land ownership can be established by any survey

Section 4. Actual Boundary Survey

(1) The marks and monuments on the ground as found and verified, or as set by a professional land surveyor shall constitute the actual boundary survey.

(2) Any plat of survey shall accurately represent the actual boundary survey.

Section 4. Actual Boundary Survey

(3) Record research and field work required by the provisions of this administrative regulation:

(a) Shall be used by a professional land surveyor to determine the location of the boundary of the property to be surveyed; and

(b) Shall not be used by a professional land surveyor to determine title.

Section 5. Record Research

In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

(1) The present and relevant historical record descriptions of:

(a) Each parcel to be surveyed; and

(b) Each adjoining parcel;

Section 5. Record Research

In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

(2) The description of the physical monument that represents each property corner;

(3) All other relevant documents of record including deeds and prior plats and surveys;

Section 5. Record Research

In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

(4) All other relevant public agency records including tax maps, GIS maps, and topographic maps; and

(5) Any other available data or documents pertinent to the boundary survey.

Section 6. Field Work

A professional land surveyor shall thoroughly:

(1) Search for the physical monuments that represent each boundary corner;

(2) Search for other physical monuments set out in the description of the parcel or tract of land being surveyed;

Section 6. Field Work

A professional land surveyor shall thoroughly:

(3) Gather, analyze, and document evidence of occupation and physical evidence;

(4) Gather, analyze, and document relevant parol evidence; and

Section 6. Field Work

A professional land surveyor shall thoroughly:

(5) Compare evidence discovered by field work, with that discovered by record research, to determine or reestablish the boundary of the tract or parcel of land being surveyed.

Section 7. Measurement Specifications

(1) Every measurement made as a part of a boundary survey shall comply with the following:

(a) The standards for accuracy and precision established by the provisions of this section; or

(b) Standards for accuracy and precision that exceed the standards established by the provisions of this section but are:

1. Requested by the client;
2. Required by contract;
3. Required by the agency or entity to which the plat of survey is to be presented; or
4. Deemed desirable or necessary by the land surveyor.

Section 7. Measurement Specifications

(2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:

- (a) Adjusted;
- (b) Maintained; and
- (c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (5) of this section.

Section 7. Measurement Specifications

(3) A boundary survey shall be conducted utilizing a method of measurement that achieves the appropriate minimum tolerance specified in subsection (5) of this section.

Section 7. Measurement Specifications

(4) A boundary survey for platting or describing a parcel or tract of land shall be classified as "Urban" or "Rural".

- (a) An Urban survey shall:
 - 1. Consist of urban or suburban land; and
 - 2. Include a parcel or tract of land lying within, or adjacent to:
 - a. A city or town limit;
 - b. A commercial business area;
 - c. An industrial area; or
 - d. A residential area that is outside a city or town limit and contains subdivided lots smaller than five (5.0) acres.

Section 7. Measurement Specifications

(4) A boundary survey for platting or describing a parcel or tract of land shall be classified as "Urban" or "Rural".

(b) A Rural survey shall apply to all land not classified as "Urban".

Section 7. Measurement Specifications

(5) Table of Specifications by Class: Classification of Surveys.

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

Section 8. Global Positioning Systems

(1) It shall be acceptable practice to incorporate the use of survey grade GPS equipment into any boundary survey. The accuracy and precision of all measurements made with that equipment shall, at a minimum, meet all other accuracy and precision standards required otherwise by law or rules under Section 7(5) of this administrative regulation. If using GPS equipment in the course of a boundary survey, the professional land surveyor shall state on the face of the plat of survey, the following:

Section 8. Global Positioning Systems

(a) A note stating what portion (or all) of the boundary survey was performed using GPS equipment;

(b) The type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used;

(c) The type of GPS survey that was performed, including static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.;

Section 8. Global Positioning Systems

(d) A note that discloses the precision of the GPS work done, either in relative positional accuracy, or vector closure.

(e) A statement identifying the horizontal datum, the vertical datum, and the Geoid model used; and

Section 8. Global Positioning Systems

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

Section 9. Monumentation

(1) Monumentation standards established in this section shall apply to all boundary surveys:

(2) Unless an adequate monument already exists at each boundary corner, a professional land surveyor shall set a monument or a reference monument at each corner of the boundary as provided in this section.

Section 9. Monumentation

(3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:

(a) "Typical and Preferred" an iron rod, iron pipe, or iron pin that is:

1. Not less than one-half (1/2) inch in diameter and eighteen (18) inches in length;
2. Equivalent to, or greater than, schedule-forty (40) weight if pipe is utilized; and
3. Identified with a cap bearing the license number of the professional land surveyor under whose direct supervision the survey was performed, and which cap does not display any other license number.

Section 9. Monumentation

(3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:

(b) "Non-typical" to be used only when it is not practical to set the monuments described in subsection (a) of this subsection, and that:

1. Preferably contains a ferrous material or is otherwise capable of being located with a magnetic locator, and may include P. K. or mag nails at least one 1 1/2 and one-half inches in length; and
2. Is identified with the license number of the professional land surveyor under whose direct supervision the survey was performed, and does not display any other license number.

Section 9. Monumentation

(3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:

(c) "Alternate" to be used only when it is not practical to set the monuments described in subsections (a) and (b) of this subsection and may include railroad spikes, mine spikes, cross-cuts, chisel cuts, drill holes and curb notches, and shall be referenced to a durable, physical feature.

Section 9. Monumentation

(4) A boundary corner shall be identified by a reference monument if it is impractical to set a monument at the corner for either of the following reasons:

- (a) The corner is likely to be disturbed; or
- (b) The corner is inaccessible.

Section 9. Monumentation

(5) A reference monument shall be set on the boundary line, if practicable, to perpetuate the location of each corner.

(6) A professional land surveyor shall set each monument in a manner to avoid or minimize the likelihood of its destruction.

Section 9. Monumentation

(7) A professional land surveyor may use a tree as a monument under the following conditions:

(a) A tree may be established as a corner monument only on a Rural boundary survey. Each tree utilized as a monument shall be marked in a conspicuous manner that is both physical and permanent and will not otherwise be harmful to the tree.

Section 9. Monumentation

(7) A professional land surveyor may use a tree as a monument under the following conditions:

(b) A tree that a professional land surveyor establishes as a corner monument shall meet the following criteria:

1. Be at least ten (10) inches in diameter at breast height;
2. Be in sound condition;
3. Be marked in a conspicuous manner that is both physical and permanent; and
4. Be clearly described by size, species, and method of marking, on the plat and in the written description.

Section 9. Monumentation

(7) A professional land surveyor may use a tree as a monument under the following conditions:

(c) Trees shall not constitute more than fifty (50) percent of the established monuments for a rural boundary survey.

(d) For an urban retracement survey in which a tree is found to be the monument of record, the tree shall be reference-monumented.

Section 9. Monumentation

(8) A corner monument that a professional land surveyor has determined is not of sound condition, fails to meet the standards established in this administrative regulation, or is inadequate under the definition of monument within this administrative regulation, shall be reference-monumented to perpetuate the corner location. All existing record monuments discovered during the performance of the survey shall be preserved and shall not be altered or destroyed.

Section 9. Monumentation

(9) Linear monuments may consist of a watercourse, ridge, road, or cliff, and:

1. The point at which a boundary line intersects a linear monument shall be monumented or reference monumented; and

2. A physical feature that represents a linear monument shall be monumented or reference monumented at a minimum of every 1,000 feet, and those monuments shall be set in intra-visible pairs not to exceed 1,000 feet in spacing between pairs.

Section 9. Monumentation

(10) All monumentation shall be set prior to the time the plat of survey, or record plat is issued by the surveyor. The signing and sealing of a survey plat is certification by the professional land surveyor that all corners shown on the plat are set on the ground.

Section 10. Documentation of Boundary Surveys

(1) A plat of survey shall be required to be given to the client when the professional land surveyor does any of the following:

- (a) Surveys a new boundary line;
- (b) Retraces the boundary lines of a previously established boundary; or
- (c) Determines that the current physical description or plat does not accurately depict the actual conditions found during the course of performing the survey.

Section 10. Documentation of Boundary Surveys

(2) A professional land surveyor shall retain as permanent records the original plat of survey prepared by the land surveyor, or a copy thereof, and a copy of any new physical description that was prepared from the survey.

Section 10. Documentation of Boundary Surveys

(3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:

- (a) Research documents including notations stating the source of each;
- (b) Field and office notes;
- (c) Electronic and magnetically stored field data;

Section 10. Documentation of Boundary Surveys

(3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:

(d) Documents of calculation stating the:

1. Relative positional accuracy or closure as required by Section 7 of this administrative regulation;
2. Adjustment method;
3. Bearing reference datum; and
4. Determination of corners;

Section 10. Documentation of Boundary Surveys

(3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:

(e) Plat of survey and written description, if any, of the surveyed parcel or tract of land;

(f) All other pertinent information necessary to reproduce the boundary survey; and

(g) All other pertinent information supporting the location of the boundary lines and corners of the boundary survey.

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(a) The general location of the land that was surveyed;

(b) The specific location of the land in reference to a major physical feature or recognized control network;

(c) The reference of at least one (1) boundary corner to a corner of the parent tract;

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(d) The direction and length of each line, as follows:

1. Each bearing represented in degrees, minutes and seconds with each distance represented to the hundredths of a foot;
2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and
3. A description of each prominent terrain feature, if any, that the boundary follows;

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(e) A notation as to whether each monument was found or set;

(f) The identification of each tree utilized as a new corner monument, including breast height diameter, species of tree, method of marking, and a notation whether the tree is a record monument or a newly established monument;

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(g) A complete description of each "set" monument, to include, if appropriate, the monument's length, diameter, type of material and the identifying cap or other identifier that was used;

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(h) A complete description of each "found" monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and
2. To the extent possible, the description shall include the monument's dimensions, type of material and the identification cap or other identifier that was used;

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(i) A description of the location of any cemetery or grave site that is observable or evident during the performance of the field work, or discovered from the required research;

(j) The record source of the land surveyed and the names and record sources of all adjoining property owners;

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(k) The calculated area of the land surveyed stated to the nearest hundredth of an acre;

(l) Name, certification date of the written description, license number and seal of the professional land surveyor under whose direct supervision the survey was performed, and name of the land surveying firm, if any; and

Section 10. Documentation of Boundary Surveys

(4) Written description. A written description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey and, contain the following information:

(m) Completion date of the boundary survey.

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(a) Direction and length of each line as follows:

1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;
2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and
3. A depiction of each prominent terrain feature, if any, that the boundary follows:

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(b) The calculated area of the land surveyed, stated to the nearest hundredths of an acre;

(c) A notation as to whether each monument was found or set;

(d) A complete description of each set monument that marks or references a boundary corner to include, if appropriate, the monument's length, diameter, type of material and the identifying cap or identifier that was used;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(e) A complete description of each found monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and
2. To the extent possible, the description shall include the monument's dimensions, type of material and the identifying cap or identifier, or lack thereof;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(f) Reference of at least one (1) corner to at least one (1) of the following:

1. A corner of the parent tract;
2. A durable and recognizable physical object; or
3. A properly identified primary control network;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(g) The name of each road, along with any record source thereof;

(h) The name and record sources of each adjoiner;

(i) The name and record sources of each adjoining subdivision;

(j) Any apparent encroachment discovered in the course of the survey;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(k) The reference meridian and whether its basis is:

1. True;
2. Grid;
3. Record, including the source of the record meridian;
4. State plane; or
5. Magnetic, including the date and location of the observation;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(l) A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;

(m) A statement, as appropriate, of:

1. The unadjusted error of closure for the traverse; and
2. The relative positional accuracy for a GPS based survey;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

(n) A statement identifying the classification of the survey as rural or urban;

(o) A statement as to whether the directions and distances shown on the plat are based on an adjusted traverse;

(p) The location of a cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

- (q) A dated signature and the seal of the professional land surveyor under whose direct supervision the boundary survey was performed;
- (r) A written and graphic scale; and

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

- (s) A title block containing the following:
 1. Name and address of the client;
 2. Name and address of the property owner of record;
 3. Title of the survey;
 4. Statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150; and
 5. Name and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm; and

Section 10. Documentation of Boundary Surveys

(5) Plat of survey. A plat of survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

- (t) The following information shall be placed conspicuously on the face of the plat of survey:
 1. The record source of the tract or parcel of land surveyed; and
 2. The location or address of each tract or parcel of land surveyed.

Section 11. Identification of Drawings
and Plats

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

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

Section 12. Partial Boundary
Surveys

(1) In performing a boundary survey, a professional land surveyor shall not be required to survey the parent tract in its entirety in order to create a smaller tract for conveyance if the following conditions are met:

- (a) Adequate evidence exists that conforms to the deeds of record;
- (b) Sufficient monumentation exists that is verifiable to establish the lines common to the boundary of the parent tract; and
- (c) There is sufficient evidence and monumentation to establish the lines common to the adjoining tracts without adversely affecting the property interests of any adjoining owners.

Section 12. Partial Boundary
Surveys

(2) In performing a boundary survey, a professional land surveyor is not required to survey the entire boundary of a tract of land in order to mark a boundary line or replace a boundary corner when the following conditions are met:

- (a) Sufficient evidence is found and verified to establish the record location of that portion of the boundary being surveyed; and
- (b) The marked boundary line or reestablished boundary corner does not adversely affect the property interests of any adjoining owners.

Section 12. Partial Boundary Surveys

- (3) A plat of survey for that part of the boundary surveyed pursuant to this section of this administrative regulation, shall be required to comply with this administrative regulation for the part of the boundary that was surveyed, and shall graphically delineate and designate that portion of the boundary covered by the survey.

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

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

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

- (2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:
- (a) For whom and by whom the work product was created;
 - (b) The purpose of the work product;
 - (c) The method employed to create the work product and its underlying values and specifications;

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

(2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:

- (d) The location of the parcel or tract of land with which the work product is concerned;
- (e) The date or dates that the work was performed;
- (f) The date of any certification of the work product by the licensee;

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

(2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:

- (g) The mathematical scale employed in any graphic representation of the work performed; and
- (h) The degree of accuracy or level of quality of the work product expressed in terms of mathematical precision.

**Minimum Standards of
Practice for Mortgage
Inspections in Kentucky**

201 KAR 18:200

Section 1

- (1) A professional land surveyor shall meet the minimum standards established in this administrative regulation.
- (2) He shall demonstrate a thorough knowledge of the property that is the subject of a mortgage inspection by:
 - (a) Conducting adequate research which at a minimum would be to obtain the subject deed and the adjoining deeds; and
 - (b) Obtaining and retaining sufficient recorded documentation.

Section 2. Work Order Required

- (1) Prior to conducting a mortgage inspection, a professional land surveyor shall obtain a work order:
 - (a) Stating that the borrower or purchaser has been advised of the:
 - 1. Types of services available; and
 - 2. Scope of each type of service; and
 - (b) That has been signed by the borrower or purchaser.

Section 2. Work Order Required

- (2) If the work order requires a flood plain certification, statements regarding the flood plain shall contain the source or basis of the statements by reference to:
 - (a) Flood plain maps, by map identification number and date; and
 - (b) Any levels run by the surveyor to verify the elevation of the property.

Section 2. Work Order Required

(3) A work order shall include the following, the:

- (a) Name of the borrower;
- (b) Date the work was ordered;
- (c) Name of the person ordering the work;
- (d) Address or location of the parcel;
- (e) Record source of the parcel;
- (f) Anticipated closing date;
- (g) Required delivery date; and
- (h) Statements in subsection (4) of this section.

Section 2. Work Order Required

(4) The work order shall include the following statements:

(a) Mortgage inspection. The sole purpose of this inspection is to obtain mortgage title insurance. This is the minimum service that your lender requires for closing your loan. It is a location of improvements and cursory check for violations or encroachments onto or from the subject property based on existing but not confirmed evidence. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose; no property corners will be set; and, it should not be used or relied upon for the establishment of any fence, structure or other improvement. Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM) (latest revision), and shall not be construed as a confirmation or denial of flooding potential.

Section 2. Work Order Required

(4) The work order shall include the following statements:

(b) Boundary survey and improvement location. A boundary survey of the subject property will be made and the property corners will be located and verified or reset. The improvements on the property will be located and a check for violations or encroachments onto or from the subject property will be made. This survey may be used by the property owner for the construction of a fence or other improvement. Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM) (latest revision), and shall not be construed as a confirmation or denial of flooding potential.

Section 2. Work Order Required

(4) The work order shall include the following statements:

(c) ALTA/ACSM land title survey. This is the most comprehensive type of survey and improvement location. It covers all the aspects of the boundary survey and improvement location and identification for any additional evidence of possession or use which could be adverse to the interest of the purchaser. This survey may include definitive statements regarding the flooding potential in addition to a review of Flood Insurance Rate Maps (FIRM).

Section 2. Work Order Required

(5)

(a) A board "work order" sample form may be used.

(b) "Work Order (8-93)" is incorporated by reference.

(c) It may be inspected, copied, or obtained at Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday.

Section 3. Recorded Documentation and Boundary Evidence

(1) A professional land surveyor shall obtain recorded documentation pertaining to the property boundary that is sufficient to demonstrate general knowledge of the given area which at a minimum would be to obtain the subject deed and the adjoining deeds.

(2) Field crews shall be provided with current information necessary to determine property dimensions in the field.

(3) Field crews shall conduct a diligent search for existing boundary evidence.

Section 3. Recorded Documentation and Boundary Evidence

- (4) The highest available order of monumentation shall be used.
- (5) The boundary monumentation, or evidence used shall be shown on the drawing.
- (6) Conflicting boundary information shall be:
 - (a) Clearly shown on the drawing; and
 - (b) Reported to the client and the buyer in writing.

Section 4. Field Procedures

- (1) A field crew shall be provided with current information necessary to determine the property dimensions in the field.
- (2) A diligent search for existing boundary evidence shall be made by a field crew.
- (3) The highest order of monumentation and boundary evidence shall be used.

Section 4. Field Procedures

- (4) Detailed notes shall be:
 - (a) Taken on all mortgage inspections; and
 - (b) Kept as part of the professional land surveyor's permanent record.
- (5) If the field survey methods selected by the surveyor do not produce a level of certainty sufficient to determine whether encroachments exist, the surveyor shall recommend a boundary survey to the borrower or purchaser.

Section 5. Drafting of the Parcel

- (1) A drawing of a parcel that is inspected shall be used in support of the certificate of mortgage inspection.
- (2) The following items shall be identified on a drawing of a parcel that is inspected:
- (a) Property lines shall be shown by:
 - 1. Boundary dimensions and bearings from the deed; or
 - 2. Boundary dimensions and bearings from a record plat; or
 - 3. By actual field measurement.

Section 5. Drafting of the Parcel

- (2) The following items shall be identified on a drawing of a parcel that is inspected:
- (b) The method of determination or basis of property lines shall be clearly shown.
 - (c) Major improvement locations shall be shown:
 - 1. With dimensions to the nearest property lines;
 - 2. With a minimum of three (3) dimensions; and
 - 3. In a manner sufficient to locate the major improvement.

Section 5. Drafting of the Parcel

- (2) The following items shall be identified on a drawing of a parcel that is inspected:
- (d) Location dimensions shall be shown:
 - 1. By offsets perpendicular to straight property lines; or
 - 2. By offsets radial to curved property lines.
 - (e) Major improvements shall include:

| | |
|------------------|-----------------|
| 1. Residences; | 5. Driveways; |
| 2. Garages; | 6. Pools; |
| 3. Outbuildings; | 7. Porches; and |
| 4. Barns; | 8. Patios. |

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(f) Apparent encroachments shall be:

1. Noted and described; and
2. Clearly shown.

(g) Means of access shall:

1. Be shown clearly and graphically; and
2. Include shared access and shared driveways.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(h) Platted and apparent easements shall be clearly identified.

(i) The source of record information for platted and apparent easements shall be identified by:

1. Deed book and page of recording; or
2. Title company commitment, including the name of title company and commitment number; and
3. For apparent easements for items such as power lines, the name of the easement holder.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(j) Platted setback lines shall be shown graphically.

(k) Adjacent owner and record source shall be noted on the drawing.

1. Lot numbers may be used for adjacent properties located in recorded subdivisions.
2. Conflicting boundary information shall be:
 - a. Clearly shown on the drawing; and
 - b. Reported to the client and the buyer in writing.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(l) If the address of the inspected parcel is:

1. Posted, it shall be shown; or
2. Not posted, a statement to that effect shall be included.

(m) A north arrow with the basis for the meridian shall be shown on the drawing.

(n) A graphic scale shall be shown on the drawing.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(o) All apparent encroachments shall be:

1. Noted and described on the drawing; and
2. Clearly shown on the drawing.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(p) A flood plain certification required by the work order shall reference:

1. Flood plain maps by map identification number and date; and
2. Levels run by the surveyor to verify the elevation of the inspected property.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(q) The following caption shall appear prominently on the sketch:

MORTGAGE INSPECTION

This does not constitute a boundary survey

and is not a recordable document.

Section 5. Drafting of the Parcel

(2) The following items shall be identified on a drawing of a parcel that is inspected:

(r) If the certification and the drawing are on separate pieces of paper, this shall be stated in the report as:
(Example: page 1 of 2, page 2 of 2).

(s) The sign and seal of the surveyor and the date of the mortgage inspection.

Section 6. Certification

(1) A mortgage inspection shall not contain the word "survey" in any part of the certification.

(2) The mortgage inspection certification shall contain:

(a) The name, address and telephone number of the professional land surveyor responsible for the mortgage inspection;

(b) The name of the party who ordered the work;

Section 6. Certification

(2) The mortgage inspection certification shall contain:

- (c) A statement that the mortgage inspection was conducted either by the professional land surveyor or under the surveyor's direct supervision;
- (d) The date the inspection was made;
- (e) The record source of the property;

Section 6. Certification

(2) The mortgage inspection certification shall contain:

- (f) A statement that:
 1. The accompanying sketch or drawing is a true representation of the conditions found at the time of the inspection;
 2. The mortgage inspection is prepared for mortgage title insurance purposes only;
 3. The document does not constitute a boundary survey;

Section 6. Certification

(2) The mortgage inspection certification shall contain:

- (f) A statement that:
 4. The mortgage inspection is subject to any inaccuracies that a subsequent boundary survey may disclose;
 5. No property corners were set;
 6. The information shown on the sketch should not be used to establish any fence, structure or other improvement;

Section 6. Certification

(2) The mortgage inspection certification shall contain:

(f) A statement that:

7. The linear or angular values shown on the drawing are based on record information, and have not been verified unless so noted.

Section 6. Certification

(3) A mortgage inspection by a professional land surveyor shall:

(a) Be signed by the surveyor;

(b) Bear his seal; and

(c) Note the date of the mortgage inspection.

Section 6. Certification

(3) A mortgage inspection by a professional land surveyor shall:

(a) Be signed by the surveyor;

(b) Bear his seal; and

(c) Note the date of the mortgage inspection.

Engineers and Land Surveyors

KRS 322

322.010
Definitions for chapter.

- (1) "Board" means the State Board of Licensure for Professional Engineers and Land Surveyors;
- (2) "Engineer" means a person who is qualified to engage in the practice of professional engineering by reason of special knowledge and use of:
 - (a) The mathematical, physical, and engineering sciences; and
 - (b) The principles and methods of engineering analysis and design, acquired by engineering education and practical engineering experience;

[illegible]

322.010
Definitions for chapter.

- (3) "Professional engineer" means a person who is licensed as a professional engineer by the board;
- (4) "Engineering" means any professional service or creative work, the adequate performance of which requires engineering education, training, and experience as an engineer.

322.010
Definitions for chapter.

(a) "Engineering" shall include:

1. Consultation, investigation, evaluation, planning, certification, and design of engineering works and systems;
 - a. Engineering design and engineering work associated with design/build projects;
 - b. Engineering works and systems which involve earth materials, water or other liquids, and gases;
 - c. Planning the use of land, air, and waters; and
 - d. Performing engineering surveys and studies;

322.010
Definitions for chapter.

(a) "Engineering" shall include:

2. The review of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces this service or work, either public or private, in connection with any utilities, structures, certain buildings, building systems, machines, equipment, processes, work systems, or projects with which the public welfare or the safeguarding of life, health, or property is concerned, when that professional service or work requires the application of engineering principles and data;

322.010
Definitions for chapter.

(a) "Engineering" shall include:

3. The teaching of engineering design courses in any program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board;

322.010
Definitions for chapter.

(a) "Engineering" shall include:

4. The negotiation or solicitation of engineering services on any project in this state, regardless of whether the persons engaged in the practice of engineering:

- a. Are residents of this state;
- b. Have their principal place of business in this state;
- or
- c. Are in responsible charge of the engineering services performed; and

322.010
Definitions for chapter.

(a) "Engineering" shall include:

5. The services of a professional engineer who engages in the practice of land surveying incident to the practice of engineering that does not relate to the location or determination of land boundaries.

322.010
Definitions for chapter.

(b) "Engineering" shall not include the professional services performed by persons who:

- 1. Develop or administer construction project safety programs, construction safety compliance, construction safety rules or regulations, or related administrative regulations; or
- 2. Only operate or maintain machinery or equipment;

322.010
Definitions for chapter.

(5) "Practice of engineering" means the performance of any professional service included in subsection (4)(a) of this section;

(6) "Engineer in training" means a person who has passed the Fundamentals of Engineering Examination and is otherwise qualified to earn experience toward licensure as a professional engineer;

322.010
Definitions for chapter.

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

322.010
Definitions for chapter.

(8) "Land surveyor" means a person who is qualified to engage in the practice of land surveying by reason of special knowledge and use of mathematics, the physical and applied sciences, and the principles and methods of land surveying, acquired by education and practical experience in land surveying;

322.010
Definitions for chapter.

(9) "Professional land surveyor" means a person who is licensed as a professional land surveyor by the board;

(10) "Land surveying" means any professional service or work, the adequate performance of which requires the education, training, and experience as a land surveyor.

322.010
Definitions for chapter.

(a) "Land surveying" shall include but not be limited to the following:

1. Measuring and locating, establishing, or reestablishing lines, angles, elevations, natural and man-made features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surfaces of bodies of water involving the:
 - a. Determination or establishment of the facts of size, shape, topography, and acreage;
 - b. Establishment of photogrammetric and geodetic control that is published and used for the determination, monumentation, or description of property boundaries;

322.010
Definitions for chapter.

(a) "Land surveying" shall include but not be limited to the following:

- c. Subdivision, division, and consolidation of lands;
- d. Measurement of existing improvements, including condominiums, after construction and the preparation of plans depicting existing improvements, if the improvements are shown in relation to property boundaries;
- e. Layout of proposed improvements, if those improvements are to be referenced to property boundaries;

322.010
Definitions for chapter.

(a) "Land surveying" shall include but not be limited to the following:

- f. Preparation of subdivision record plats;
- g. Determination of existing grades and elevations of roads and land;
- h. Creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them; and
- i. Certification of documents;

322.010
Definitions for chapter.

(a) "Land surveying" shall include but not be limited to the following:

- 2. The negotiation or solicitation of land surveying services on any project in this state, regardless of whether the persons engaged in the practice of land surveying:
 - a. Are residents of this state;
 - b. Have their principal office or place of business in this state; or
 - c. Are in responsible charge of the land surveying services or work performed; and

322.010
Definitions for chapter.

(a) "Land surveying" shall include but not be limited to the following:

- 3. The preparation of survey descriptions for use in legal instruments affecting real property or property rights.
 "Land surveying" does not include the preparation of a physical description that identifies and describes the tract, parcel, or lot by reference to the tract, parcel, lot, block, or unit number of any subdivision, or other summary identifier appearing on a properly recorded plat of record, or by reference to a deed of record.

322.010
Definitions for chapter.

(b) "Land surveying" shall not include:

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

322.010
Definitions for chapter.

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

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

322.010
Definitions for chapter.

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

322.010
Definitions for chapter.

(14) "Business entity" means a corporation, partnership, limited liability company, limited partnership, or firm;

322.010
Definitions for chapter.

(15) "Offer to practice" means:

- (a) A promise or commitment to engage in any act directly related to engineering or land surveying;
- (b) Undertaking to engage in the practice of engineering or land surveying; or
- (c) Any claim, express or implied, by any person representing himself or herself to be a professional engineer or professional land surveyor;

322.010
Definitions for chapter.

(16) "Certification" means affixing a seal or stamp, signature, and date by a professional engineer or professional land surveyor to represent that the services or work addressed therein was performed by that professional engineer or professional land surveyor according to his or her knowledge, information, and belief, and that it was completed in accordance with applicable standards of practice.

"Certification" shall not mean a guaranty or warranty, either express or implied;

322.010
Definitions for chapter.

(17) The "Fundamentals of Engineering Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying;

(18) The "Fundamentals of Land Surveying Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying;

322.010
Definitions for chapter.

(19) The "Principles and Practice of Engineering Examination" means the examination with that name developed by the National Council of Examiners for Engineering and Surveying; and

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

322.180
Grounds for denial of licensure and for disciplinary action.

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

(1) Engaged in any practice of fraud or deceit in obtaining a license;

(2) Engaged in gross negligence, incompetence, or misconduct in the practice of engineering or land surveying;

322.020

Practice of engineering or land surveying without
license prohibited.

(1) Unless licensed as a professional engineer, no person shall:

- (a) Engage in the practice of engineering;
- (b) Offer to practice engineering; or
- (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional engineer.

(2) Unless licensed as a professional land surveyor, no person shall:

- (a) Engage in the practice of land surveying;
- (b) Offer to practice land surveying; or
- (c) Use, assume, or advertise in any way any title or description tending to convey the impression that he or she is a professional land surveyor.

322.030

Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

(1) The work of an employee or subordinate of:

- (a) A professional engineer if the work is done under the direct supervision of and verified by the professional engineer; or
- (b) A professional land surveyor if the work is done under the direct supervision of and verified by the professional land surveyor;

322.030

Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

(2) The practice of engineering or land surveying by officers and employees of the United States government while engaged in engineering or land surveying for the government;

322.030
Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

(3) The practice of engineering or land surveying by a person on property he or she leases or owns unless:

(a) The practice involves the public safety, health, or welfare; or

(b) The land surveying relates to the location or determination of any existing or proposed land boundaries;

322.030
Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

(4) An engineer or land surveyor engaged solely as an officer or employee of a privately owned public utility or of a business entity engaged in interstate commerce as defined in the Interstate Commerce Act (24 Stat. 379) as amended;

322.030
Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

(5) A licensed architect who engages in the practice of engineering incident to the practice of architecture; or

(6) The practice of engineering related solely to the design or fabrication of manufactured products. This exemption does not extend to site-specific engineering work for Kentucky locations.

322.040

Requirements for licensure as a professional engineer --
Education, experience.

(1) A person shall qualify for licensure as a professional engineer by meeting the requirements set forth in paragraph (a) or (b) of this subsection.

322.040

Requirements for licensure as a professional engineer --
Education, experience.

(a) A person shall qualify if he or she has:

1. Graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board;

322.040

Requirements for licensure as a professional engineer -- Education, experience.

(a) A person shall qualify if he or she has:

2. Four (4) or more additional years of progressive experience in engineering or teaching of a grade and character which indicates to the board that the applicant is competent to practice engineering; and

322.040

Requirements for licensure as a professional engineer -- Education, experience.

(a) A person shall qualify if he or she has:

3. A passing score on:

- a. The Principles and Practice of Engineering Examination; and
- b. The Fundamentals of Engineering Examination. The board may allow students enrolled in the final year of an undergraduate engineering program to take this examination. Upon passing the examination, the applicant shall be designated an engineer in training.

322.040

Requirements for licensure as a professional engineer -- Education, experience.

(1) A person shall qualify for licensure as a professional engineer by meeting the requirements set forth in paragraph (a) or (b) of this subsection.

(b) If an instructor in an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or an engineering program deemed equivalent by the board is not eligible for the exemption under subsection (2) of this section, the instructor shall have four (4) years from the date of hire to qualify for licensure by showing that he or she has:

322.040

Requirements for licensure as a professional engineer -- Education, experience.

1. Graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, or an engineering program deemed equivalent by the board;
2. Four (4) or more additional years of progressive experience in engineering or teaching of a grade and character which indicates to the board that the applicant is competent to practice engineering;
3. Passed the Principles and Practice of Engineering Examination; and
4. Either passed the Fundamentals of Engineering Examination or graduated from a board-approved doctoral engineering degree program.

322.040

Requirements for licensure as a professional engineer -- Education, experience.

(2) For the purpose of teaching engineering design courses only, an instructor who, on January 1, 1999, holds a tenured or tenure-track position in an engineering program defined in KRS 322.010(4)(a)3. shall be exempt from the licensure requirements of KRS 322.020 for the period that instructor is continuously employed by the institution offering that program. However, an instructor may apply and shall qualify for licensure as a professional engineer during this exempt period if he or she:

322.040

Requirements for licensure as a professional engineer -- Education, experience.

(a) Has graduated from an engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or an engineering program deemed equivalent by the board;

(b) Has graduated from a board-approved doctoral engineering degree program, with an additional three (3) years or more of progressive experience in engineering or teaching of a grade and character which indicate to the board that the applicant is competent to practice engineering; and

(c) Has passed the Principles and Practice of Engineering Examination.

322.040

Requirements for licensure as a professional engineer -- Education, experience.

(3) Any person having the necessary qualifications prescribed in subsection (1) or (2) of this section shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.

(4) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from an engineering program as described in subsection (1)(a)1. of this section.

322.045

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

(1) A person shall qualify for licensure as a professional land surveyor if he or she has:

- (a) Passed the Fundamentals of Land Surveying Examination and is thereby designated a land surveyor in training according to the conditions set forth in either paragraph (c) of this subsection or KRS 322.047(1)(a);
- (b) Passed the Principles and Practice of Land Surveying Examination; and

322.045

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

(c) Met one (1) of the following requirements set out in this paragraph:

1. Graduation from a board-approved program of four (4) years or more in land surveying from a college or university and not less than three (3) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination during the final year of the program;

322.045

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

(c) Met one (1) of the following requirements set out in this paragraph:

2. Graduation from a program of four (4) years or more in other than land surveying from a college or university of recognized standing, completion of a twenty-four (24) semester credit hour core curriculum in land surveying, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;

322.045

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

a. The core curriculum in land surveying may be completed as part of the four (4) year program or may be taken in addition to that program; and

b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of the core curriculum in land surveying or during the final year in the program if twelve (12) hours or more of the core curriculum in land surveying have been completed; or

322.045

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

(c) Met one (1) of the following requirements set out in this paragraph:

3. Graduation from a civil, mining, or agricultural engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board, completion of twelve (12) semester credit hours of the core curriculum in land surveying referenced in subparagraph 2. of this paragraph, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;

322.045

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

a. The twelve (12) hours of the core curriculum in land surveying may be completed as part of the engineering program or may be taken in addition to that program; and

b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon graduation from the engineering program or during the final year in the program if twelve (12) hours of the core curriculum in land surveying have been completed.

322.045

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

(2) Any person having the necessary qualifications prescribed in subsection (1) of this section or any applicable qualifications prescribed in KRS 322.047(1)(a) shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.

(3) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(c)1., 2., and 3. of this section, and for the surveying core curriculum described in subsection (1)(c)2. and 3. of this section.

322.050

Requirements for applicants.

(1) To be eligible for licensure, an applicant shall be:

- (a) Of good character and reputation; and
- (b) Able to competently communicate in the English language.

(2) An applicant shall not be eligible for licensure if he or she:

- (a) Has been convicted of any felony within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit;
- (b) Engages in conduct likely to deceive or defraud the public; or
- (c) Is adjudged mentally disabled by a court of competent jurisdiction.

322.050

Requirements for applicants.

(1) To be eligible for licensure, an applicant shall be:

- (a) Of good character and reputation; and
- (b) Able to competently communicate in the English language.

(2) An applicant shall not be eligible for licensure if he or she:

- (a) Has been convicted of any felony within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit;
- (b) Engages in conduct likely to deceive or defraud the public; or
- (c) Is adjudged mentally disabled by a court of competent jurisdiction.

322.060

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

322.060

Prerequisites for practice of engineering by a business entity --

(1) (a) A business entity shall not engage in the practice of engineering in this state unless:

1. At least one (1) of its principals or officers, or a designated employee, is a professional engineer who is in responsible charge of the engineering work;
2. The professional engineer in responsible charge is located at the Kentucky office, if one is maintained; and
3. The board has issued a permit to the business entity.

322.060

Prerequisites for practice of engineering by a business entity --

(b) To apply for a permit, a business entity offering engineering services in this state shall file with the board, on a form prescribed by the board:

1. The names and addresses of all principals and officers;
2. The license number of principals, officers, and employees who are professional engineers in responsible charge of the business entity's practice of engineering in this state; and
3. A list of locations of all offices in this state at which the business entity offers professional engineering services.

322.060

Prerequisites for practice of engineering by a
business entity --

(c) If more than one (1) place of business is maintained in this state, a professional engineer shall be in responsible charge of the engineering work for each office.

(d) A professional engineer who renders occasional, part-time, or consulting engineering services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the engineering work unless the professional engineer is an officer or owner of the business entity.

322.060

Prerequisites for practice of engineering by a
business entity --

(e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status in those items listed in paragraph (b) of this subsection.

(f) An individual professional engineer providing engineering services as a sole proprietor in the name listed on his or her individual license, or architectural firms offering engineering services incident to their practice, shall be excluded from the provisions of this subsection.

322.060

Prerequisites for practice of land surveying by a
business entity --

(2) (a) A business entity shall not engage in the practice of land surveying in this state unless:

1. At least one (1) of its principals or officers, or a designated employee, is a professional land surveyor in direct responsible charge of the land surveying work;
2. The professional land surveyor in responsible charge is located at the Kentucky office, if one is maintained; and
3. The board has issued a permit to the business entity.

322.060

Prerequisites for practice of land surveying by a
business entity --

(b) To apply for a permit, a business entity offering land surveying services in this state shall file with the board, on a form prescribed by the board:

1. The names and addresses of all principals and officers;
2. The license numbers of the principals, officers, and employees who are professional land surveyors in responsible charge of the practice of land surveying in this state; and
3. A list of locations of all offices in this state at which the business entity offers professional land surveying services.

322.060

Prerequisites for practice of land surveying by a
business entity --

(c) If more than one (1) place of business is maintained in this state, a professional land surveyor shall be in responsible charge of the land surveying work for each office.

(d) A professional land surveyor who renders occasional, part-time, or consulting services to or for a business entity required to hold a permit from the board under this section shall not be designated as the person in responsible charge of the land surveying work unless the professional land surveyor is an officer or owner of the business entity.

322.060

Prerequisites for practice of land surveying by a
business entity --

(e) A business entity holding a permit shall advise the board in writing within thirty (30) days of any change of status.

(f) An individual professional land surveyor providing land surveying services as a sole proprietor in the name listed on his or her individual license shall be excluded from the provisions of this subsection.

322.060
-- Permit --

(3) (a) After a business entity applies for a professional engineering or professional land surveying permit and pays the proper fees, the board shall review the application and, upon approval, shall issue a permit.

(b) The board may suspend, revoke, or refuse to issue a permit for violation of the code of professional practice and conduct.

(c) The expiration date and renewal period for each permit and renewal procedures shall be established by administrative regulations promulgated by the board.

322.060
-- Responsibility for conduct --

(4) (a) No business entity shall be relieved of responsibility for the conduct or acts of its agent, employees, or officers by reason of its compliance with this section.

(b) No individual practicing professional engineering or professional land surveying shall be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a business entity holding a permit under this section.

322.060
-- Disciplinary action --

(5) Disciplinary action against a business entity holding a permit under this section shall be administered in the same manner and on the same grounds as disciplinary action against an individual professional engineer or professional land surveyor.

322.060

-- Requirement of board certificate or letter for incorporation
or for registration as a foreign corporation

(6) The Secretary of State shall not accept articles of incorporation, articles of organization, statement of qualification or certificate of limited partnership or an application for a certificate of authority to transact business as a foreign corporation, limited liability company or limited partnership or a statement of foreign qualification from a business entity which includes in its name or, among objects for which it is established, any of the words, "engineer," "engineering," "surveyor," "surveying," "land surveying," or any modification or derivation thereof, unless the filing with the Secretary of State includes a certificate or letter from the board.

322.070

Application for licenses.

Applications for professional engineer or professional land surveyor licenses shall be on forms prescribed and furnished by the board and shall contain:

- (1) Statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience;
- (2) Not less than five (5) references, of which at least three (3) shall be from professional engineers or professional land surveyors, as may be appropriate, having personal knowledge of the applicant's engineering or land surveying experience; and
- (3) Any other information as the board may require by administrative regulation.

References and employment verifications submitted under this section shall remain confidential records of the board.

322.080

Time, place, scope of examination.

- (1) Examinations shall be held at times and places determined by the board by promulgation of administrative regulations.
- (2) The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering or land surveying works so as to insure the safety of life, health, and property.

322.090
Reexamination.

- (1) An applicant failing an examination up to two (2) times may apply for reexamination.
- (2) (2) After July 12, 2006, an applicant failing an examination three (3) or more times, regardless of the jurisdiction where each examination is administered, may be approved for reexamination upon submitting a new application. The new application shall include evidence that the applicant has acquired additional knowledge. The board shall promulgate administrative regulations specifying the type and extent of additional knowledge and qualifications required to apply for reexamination under this subsection.
- (3) Reexaminations under this section shall be granted upon payment of a fee to be determined by administrative regulations promulgated by the board.

322.100
License fees.

The license fees for professional engineers and professional land surveyors shall be established by administrative regulation promulgated by the board. If the board refuses to issue a license to any applicant, the initial fee deposited shall be retained as an application fee.

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

- (1) The board shall issue a license authorizing the practice of engineering or land surveying to any applicant who has met the respective requirements set forth in this chapter.

322.110

Licensure -- Designations -- Rights associated with
license.

(2) All licenses issued under this subsection shall be signed by the chairman and the secretary of the board, under the seal of the board. Each license shall bear the full name of the licensee, the license number, and one (1) of the following designations:

- (a) "Professional Engineer";
- (b) "Professional Land Surveyor";
- (c) "Professional Engineer, Inactive";
- (d) "Professional Engineer, Retired";
- (e) "Professional Land Surveyor, Inactive"; or
- (f) "Professional Land Surveyor, Retired."

322.110

Licensure -- Designations -- Rights associated with
license.

(3) The designations in paragraphs (c), (d), (e), and (f) of subsection (2) of this section shall be defined in administrative regulations promulgated by the board.

322.110

Licensure -- Designations -- Rights associated with
license.

(4) (a) A valid professional engineer or professional land surveyor license shall be prima facie evidence that the licensee is entitled to all rights, privileges, and responsibilities of a professional engineer or a professional land surveyor.

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

322.120

Licensure by endorsement.

The board may, by promulgation of administrative regulations, establish requirements and fees for licensure by endorsement for those applicants who:

- (1) Hold a current license or certificate of registration to engage in the practice of engineering or land surveying issued by any state, territory, or possession of the United States, the District of Columbia, or any foreign country; and
- (2) Submit proof that the requirements and qualifications supporting that license or certificate:
 - (a) Are not in conflict with the provisions of this chapter; and
 - (b) Equal or exceed this state's requirements in effect on the date of issuance.

322.120

Licensure by endorsement.

However, the land surveyor applicant may be required to take examinations, as the board deems necessary, to determine the competency to engage in the practice of land surveying in this state. The examination shall include questions on laws, procedures, and practices pertaining to land surveying in this state.

322.160

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

(1) Licenses for individuals and permits for business entities shall be valid for not more than two (2) years from the date of issuance, unless renewed.

(2) The executive director shall notify every licensee and permit holder at least one (1) month in advance of the pending expiration date.

- (a) All license renewals shall be completed on or before June 30 of the year of expiration.
- (b) All permit renewals shall be completed on or before December 31 of the year of expiration.
- (c) Each licensee or permit holder is responsible for notifying the board of any address change.
- (d) The responsibility for the timely renewal of a license or permit rests with the licensee or permit holder.

322.160

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

(3) The failure to renew shall not deprive a licensee or permit holder of the right of renewal, but the fee to be paid for the renewal shall be increased ten percent (10%) for each month or fraction of a month that payment of renewal is delayed. Any licensee or permit holder who fails to renew within one (1) year after expiration shall furnish the board with:

- (a) Satisfactory evidence of qualification of continued practice. However, the board may require reexamination; and
- (b) Evidence of completion of continuing education hours as required by KRS 322.290.

322.160

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

(4) No licensee shall be required to pay renewal fees to the board during the time the licensee is on active duty in the Armed Forces of the United States.

- (a) Any licensee who has previously paid any renewal fee covering a period of time spent on active duty shall, upon filing with the board a copy of his or her discharge, be granted a license renewal without the payment of any fee.
- (b) The free renewal shall be for as many license years as the licensee was on active duty and which were covered in whole or in part by the previous payment of a renewal fee.
- (c) The continuing education requirement under KRS 322.290 shall be waived for those years the licensee was on active duty.

322.170

Replacement and reissuance of certain licenses and permits.

(1) A new license or permit may be issued to replace any license or permit that was lost, destroyed, or mutilated, subject to the administrative regulations promulgated by the board.

(2) A license or permit may be reissued to replace any license or permit that was previously revoked, subject to KRS 322.220.

322.180

Grounds for denial of licensure and for disciplinary action.

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

- (1) Engaged in any practice of fraud or deceit in obtaining a license;
- (2) Engaged in gross negligence, incompetence, or misconduct in the practice of engineering or land surveying;
- (3) Violated any provision of this chapter, the administrative regulations promulgated by the board, or the code of professional practice and conduct adopted by the board and incorporated in administrative regulations;

322.180

Grounds for denial of licensure and for disciplinary action.

- (4) Employed, procured, or induced a person not licensed to practice engineering or land surveying in this state;
- (5) Aided or abetted a person not licensed to practice engineering or land surveying in this state;
- (6) Been granted a license upon a mistake of material fact;
- (7) Been convicted by a court of law of a felony;
- (8) Become a chronic or persistent alcoholic or has become drug-addicted so that continued practice is dangerous to clients or to the public safety;
- (9) Developed a physical or mental disability or other condition so that continued practice is dangerous to clients or to the public safety;

322.180

Grounds for denial of licensure and for disciplinary action.

- (10) Violated any order of suspension or the terms or conditions of any order of probation issued by the board;
- (11) Had a license or registration certificate to practice as an engineer or land surveyor denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause licensure to be denied, limited, suspended, probated, or revoked in this state;
- (12) Engaged in conduct likely to deceive or defraud the public;
- (13) Presented or attempted to use as his or her own the license, seal, or stamp of another;
- (14) Falsely impersonated any other licensee;
- (15) Attempted to use an expired, suspended, or revoked license;

322.180

Grounds for denial of licensure and for disciplinary action.

(16) Provided certification for any plan, specification, plat, report, or physical description not prepared by him or her or under his or her direct supervision; or

(17) Applied the seal, stamp, signature, or title block of another professional engineer or professional land surveyor to a plan, specification, plat, report, or physical description that was not prepared by the other professional engineer or land surveyor.

322.190

Investigation and resolution of complaints -- Appeals.

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

322.190

Investigation and resolution of complaints -- Appeals.

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

322.190

Investigation and resolution of complaints --
Appeals.

(2) If the investigation reveals evidence supporting the complaint, the executive director shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before refusing to renew, suspending, revoking, reprimanding, imposing probation or an administrative fine, or any combination of actions regarding any license under the provisions of this chapter.

(a) At any time during the investigation or hearing process, the board may accept a written assurance of voluntary compliance from the licensee which effectively deals with the complaint.

(b) When the board issues a written reprimand to the licensee, a copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to submit a response within thirty (30) days of its receipt and to have that response filed in the permanent file.

322.190

Investigation and resolution of complaints --
Appeals.

(3) After denying an application under the provisions of this chapter, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.

(4) The board may reconsider, modify, or reverse its decision on any disciplinary action.

(5) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

322.220

Petition for reissuance of license after revocation.

A person whose license has been revoked may petition the board to reissue. The board shall investigate the petition and may reissue the license upon a finding that the person has complied with any terms prescribed by the board and is again able to competently practice.

322.230

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

(1) The State Board of Licensure for Professional Engineers and Land Surveyors shall consist of nine (9) members appointed by the Governor and two (2) ex officio members each with full voting rights. The ex officio members shall be the dean of the College of Engineering of the University of Kentucky and the dean of the J.B. Speed School of Engineering of the University of Louisville.

(2) The term of each member of the board shall be four (4) years. Each member shall hold office until the expiration of the term or until a successor has been appointed and has qualified.

(3) Before beginning a term of office, every member shall file with the Secretary of State a written oath for the faithful discharge of official duties.

(4) No member of the board shall serve as an employee of the board.

322.240

Qualifications of board members.

(1) Each appointed member of the board shall:

- (a) Be a citizen of the United States;
- (b) Have been a resident of this state for at least five (5) years; and
- (c) Be a resident of this state at the time of appointment and for the term of the appointment.

(2) One (1) member of the board shall be a citizen at large who is not associated with or financially interested in the practice of engineering or land surveying.

322.240

Qualifications of board members.

(3) Eight (8) members of the board shall be a professional engineer or a professional land surveyor engaged in the respective practice for at least twelve (12) years and shall have been in responsible charge of important engineering or land surveying work for at least five (5) years.

- (a) At least five (5) members of the board shall be professional engineers licensed in Kentucky for at least four (4) years prior to the date of their appointment;
- (b) At least three (3) members of the board shall be professional land surveyors licensed in Kentucky for at least four (4) years prior to the date of their appointment; and

322.240

Qualifications of board members.

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

322.250

Appointment of board members -- Vacancies.

(1) Except as provided for in subsection (5) of this section, each land surveyor appointment to the board shall be made from a list of not less than three (3) nominees to be submitted to the Governor jointly by the Kentucky Society of Professional Engineers and the Kentucky Association of Professional Surveyors, with input from other professional societies. All other appointments to the board shall be made from a list of not less than three (3) nominees to be submitted to the Governor by the Kentucky Society of Professional Engineers with input from other professional societies.

(2) The nominations shall be submitted to the Governor at least sixty (60) days prior to the appointment date.

322.250

Appointment of board members -- Vacancies.

(3) The term of office for all full-term appointments shall begin January 1.

(4) Board members shall be allowed to succeed themselves but shall be limited to not more than two (2) consecutive terms. A former member may be reappointed to the board if the member has not served in the preceding four (4) years.

(5) If a vacancy on the board occurs for any reason resulting in an unexpired term, if not filled within three (3) months by official action of the Governor, the board may appoint a provisional member to serve in the interim until the Governor acts.

(6) Every unexpired term shall be filled only for the remainder of that term.

322.260
Officers of board.

Every year the board shall elect a chair, a vice chair, and a secretary-treasurer.

322.270
Compensation of board members.

Each member shall receive compensation as promulgated by administrative regulation of the board and approved by the appropriate legislative body. Official duties include meetings of committees of the board and time spent in necessary travel. Further, members shall be reimbursed for costs for all actual and necessary expenses incurred in carrying out their official duties as board members.

322.280
Meetings of board.

(1) The board shall hold at least four (4) regular meetings each year. Special meetings shall be held if the bylaws provide. Notice of all meetings shall be given in the manner provided by the bylaws.

(2) Six (6) members shall constitute a quorum.

322.290
Functions of board.

The board shall:

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

322.290
Functions of board.

The board shall:

- (7) Appoint a general counsel and any assistant general counsel as it deems necessary and fix their compensation;
- (8) Appoint investigatory personnel, as it deems necessary, and fix their compensation;
- (9) Appoint committees of licensees, as it deems necessary, to review issues before the board and make recommendations to the board;
- (10) Make expenditures, as it deems necessary, for any purpose that it considers reasonably necessary for the proper performance of its duties, including paying the expenses of the board's delegates to national conventions of and membership dues to the National Council of Examiners for Engineering and Surveying or other affiliated national boards or societies;

322.290
Functions of board.

The board shall:

- (11) Adopt and promulgate by administrative regulation a code of professional practice and conduct, which shall be based upon generally recognized principles of professional ethical conduct and binding upon persons licensed under this chapter. A code of professional practice and conduct shall be made known to all licensees and applicants and shall include but not be limited to the following objectives:
 - (a) The protection of the public health, safety, and welfare;
 - (b) The maintenance of standards of objectivity, truthfulness, and reliability in public statements;
 - (c) The avoidance of conflicts of interest;

322.290
Functions of board.

The board shall:

- (d) The prohibition of solicitation or acceptance of engineering or land surveying work on any basis other than qualifications for the work offered;
- (e) The prohibition of association with any person engaging in illegal or dishonest activities; and
- (f) The limitation of professional service to the area of competence of the licensee;

(12) Adopt appropriate standards of practice;

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

322.290
Functions of board.

The board shall:

(14) Bring, in its name, injunctive proceedings in the Franklin Circuit Court to enjoin any person, business entity, or combination thereof in violation of KRS 322.020 or KRS 322.060;

(15) Adopt a program for continuing education for its individual land surveyor licensees. No individual land surveyor licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, in addition to any other requirement for renewal. The program for continuing education shall not exceed a total of eight (8) credit clock hours per year and shall not include testing or examination of the licensee in any manner; and

322.290
Functions of board.

The board shall:

(16) Adopt a program for continuing education for its individual engineer licensees.

- (a) The program for continuing education shall not exceed a total of fifteen (15) credit clock hours per year and shall not include testing or examination of the licensee in any manner.
- (b) No individual engineer licensee shall be permitted to renew his or her license unless the minimum annual continuing education requirements are met, except as provided in paragraph (c) of this subsection, in addition to any other requirement for renewal.
- (c) Any person licensed under this chapter as a professional engineer prior to January 1, 1972, who has maintained his or her license in good standing since becoming licensed shall not be subject to any continuing education requirements.

322.300

Board to keep record of proceedings and register of applications.

The board shall keep a record of its proceedings and a register of all applications for licensure. The register shall state the following:

- (1) Name, age, and residence of each applicant;
- (2) Date of the application;
- (3) Place of business of the applicant;
- (4) Education and other qualifications of the applicant;
- (5) Whether an examination was required;
- (6) Whether the applicant was rejected;
- (7) Whether a license was granted;
- (8) Date of the action of the board; and
- (9) Any other information that the board considers necessary.

322.320

Board may require attendance of witnesses, production of documents.

(1) In carrying this chapter into effect, the board, under the hand of its chairman or executive director and under its seal, may, during the investigation or an administrative hearing procedure, in cases involving the revocation of a license or practicing or offering to practice without a license, subpoena witnesses and compel their attendance and require the production of books, papers, and documents. Any member may administer oaths to witnesses appearing before the board.

322.320

Board may require attendance of witnesses, production of documents.

(2) If any person refuses to obey any subpoena so issued or refuses to testify or produce any books, papers, or documents, the board may present its petition to any authority having jurisdiction, setting forth the facts. That authority shall, in a proper case, issue its subpoena to the person, requiring him to attend and testify or produce books, papers and documents considered necessary and pertinent by the board.

(3) Board members and agents and staff of the board shall be held free of any personal liability as a result of board actions.

322.330

Duties of secretary-treasurer.

The secretary-treasurer, or any other officer or designee properly authorized by the board, shall:

- (1) Receive and account for all money collected under this chapter and pay it into the State Treasury; and
- (2) Provide in an electronic format on the board's Web site a roster showing the names and addresses of all professional engineers, professional land surveyors, and business entities holding permits to practice engineering or land surveying in this state.

322.340

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

- (1) Each professional engineer or professional land surveyor shall, upon licensure, obtain a seal or stamp of the design authorized by the board, bearing his or her name, license number, and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor."
- (2) Use of the stamp, seal, or signature in an electronic transaction shall be conducted in accordance with administrative regulations promulgated by the board under KRS 322.290(13).

322.340

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

- (3) The seal or stamp, signature, and the date shall be used to provide certification for all reports, specifications, drawings, and plans, if presented to a client or any public or governmental agency. Reproduction of original signatures shall be adequate to meet the requirements of this subsection.
- (4) The seal or stamp and signature shall be used by licensees only if the work being stamped was under the licensee's complete direction and control.

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

(5) Every survey plat and physical description prepared by a professional land surveyor and submitted to a client or any public or governmental agency shall display the certification by the professional land surveyor under whose supervision the plat or description was prepared.

(6) It shall be unlawful for a licensee to affix, or permit to be affixed, his or her seal, stamp, or signature to any document described in subsection (3) or (5) of this section:

- (a) After the expiration of a license; or
- (b) For the purpose of aiding or abetting any other person to evade or attempt to evade any provisions of this chapter.

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

(7) A professional engineer shall check and have complete dominion and control of the design and engineering work of any engineer not licensed to practice in this state. Complete dominion and control shall include possession of the sealed and signed reproducible construction documents with all supporting design calculations, indicating all changes in the design.

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

From the BOL website FAQ Section:

Question: May I use an electronic seal on my engineering or surveying documents?

Answer: When documents are to be presented to a client or to a public or governmental entity, at least one copy must have the licensee's original stamp or seal, original signature and date. Any other copy may contain a facsimile of the licensee's stamp, signature and date applied manually or by computer.

322.340

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

From the BOL website FAQ Section:

Question: May I electronically transmit documents with an electronic signature in place of an original seal, signature and date?

Answer: Yes, if the electronic signature is a unique identification of the licensee; is verifiable; is under the licensee's direct and exclusive control; is linked to the electronic document in such a way that any changes to the document are easily displayed; any attempt to change the document invalidates the electronic signature; and the document is transmitted in a read only format.

322.360

Public work required to be done under professional engineer or licensed architect.

(1) Neither the state nor any of its political subdivisions shall engage in the construction of any public work involving engineering, unless the plans, specifications, and estimates have been prepared and the construction executed under the direct supervision of a professional engineer or a licensed architect.

(2) Subsection (1) of this section shall not apply to any public work, including a highway or capital project under KRS 56.491, that involves only maintenance or repair of the facility. Maintenance or repair shall not include any work which alters, modifies, or changes the original characteristics of the design.

322.370

Incidental architectural practice permitted.

This chapter shall not prevent a professional engineer from carrying on any architectural practice incident to the practice of engineering.

322.380

Seeking business through another to avoid chapter prohibited.

(1) No person without a license under this chapter shall avoid or attempt to avoid this chapter by having a representative or employee seek engineering or land surveying work in his or her behalf.

(2) No person shall act as a representative or employee in the type of activity prohibited by subsection (1) of this section.

322.400

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

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

322.420

Disposition of fees paid to the board.

All fees paid to and collected by the board under this chapter shall be deposited in a depository designated by the board and disbursed only at the direction of the board.

322.450
Persons exempt from law.

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

322.460
Officers to enforce law -- Employment of attorneys.

The Attorney General of Kentucky or his or her designee shall act as legal adviser to the board and render legal assistance as the board may from time to time require. In addition, the Attorney General of Kentucky, all Commonwealth's attorneys, and the county attorney of each county shall, upon request of the board, and without additional compensation, lend their assistance to the enforcement of the provisions of this chapter and the prosecution of any violations thereof. The board shall employ additional counsel as necessary to effectively enforce the provisions of this chapter, the cost of which shall be paid exclusively from funds of the board.

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

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

(1) A professional land surveyor may go on, over, and upon the lands of others if necessary to perform surveys for the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles.

(a) Entry under the right hereby granted shall not constitute trespass; and

(b) A professional land surveyor shall not be liable to arrest or a civil action by reason of this entry.

322.470

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

(2) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner; and nothing in this section shall be construed as removing civil liability for these damages.

(3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.

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

322.550

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

(1) Except as otherwise provided in this section, the following buildings, or additions to existing buildings, classified by use group shall require the services of an architect licensed in the Commonwealth of Kentucky:

(a) Assembly use group having a capacity of one hundred (100) persons or more, except church buildings having a capacity of four hundred (400) persons or less or six thousand (6,000) square feet or less;

(b) Business use group having a capacity of one hundred (100) persons or more;

(c) Institutional use group, regardless of capacity;

322.550

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

(1) Except as otherwise provided in this section, the following buildings, or additions to existing buildings, classified by use group shall require the services of an architect licensed in the Commonwealth of Kentucky:

(d) Mercantile use group having a capacity of one hundred (100) persons or more;

(e) Residential use group of more than twelve (12) dwelling units or having a capacity of fifty (50) persons or more;

(f) Educational use groups, regardless of capacity; and

(g) Mixed use group containing one (1) or more of the use group classifications and capacities listed under paragraphs (a) to (f) of this subsection.

322.550

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

(2) Alterations or new construction requiring compliance with the Kentucky Building Code for any building containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require the services of an architect licensed in the Commonwealth of Kentucky, but if alterations or new construction predominately involve primarily structural components or mechanical or electrical systems, then services may be performed by one (1) or more licensed professional engineers.

322.550

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

(3) Buildings or additions to existing buildings, which contain one (1) or more of the use group classifications and capacities listed under subsection (1) of this section, shall require, in addition to the services of an architect, the services of one (1) or more licensed engineers.

322.550

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

(4) The following buildings and additions to existing buildings, classified by use group, shall require the services of either a professional engineer or architect licensed in the Commonwealth of Kentucky:

- (a) Factory and industrial use group having a capacity of one hundred (100) persons or more;
- (b) High hazard use group, regardless of capacity;
- (c) Storage use group having a capacity of one hundred (100) persons or more; and
- (d) Utility and miscellaneous use groups having a capacity of one hundred (100) persons or more.

322.550
Buildings or additions to existing buildings requiring services
of an architect or of either a professional engineer or an
architect.

(5) The services required in subsections (1) to (4) of this
section shall include the administration of construction
contracts.

322.990
Penalties.

Any person who violates any provision of this chapter shall
be fined not less than one hundred dollars (\$100) nor more
than one thousand dollars (\$1,000), or be imprisoned not
more than three (3) months, or both.
