



# DEFINING MAPPING: A LEGISLATIVE CHALLENGE

# PRESENTERS



**Maryland Society**  
*of* **Surveyors**

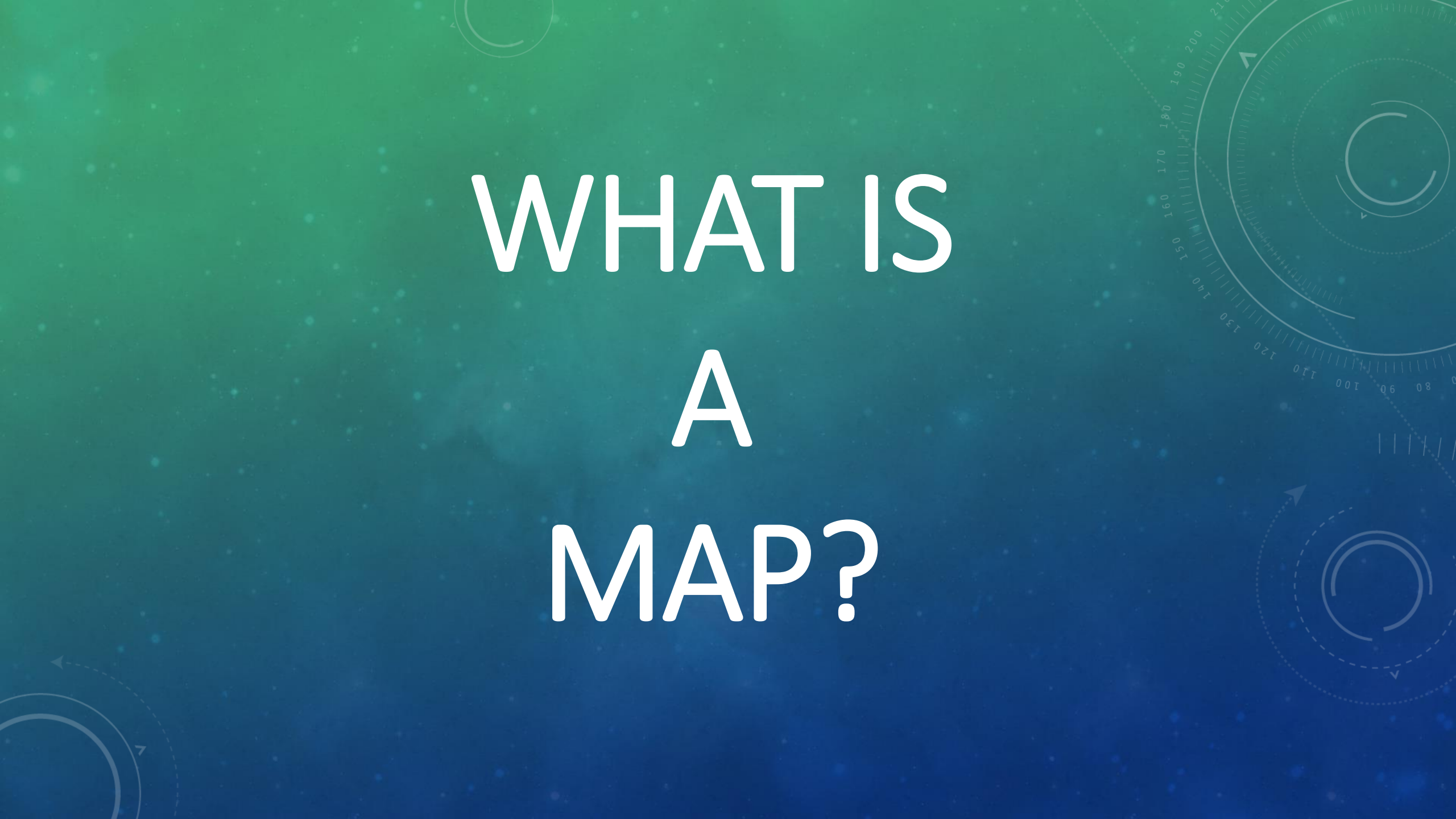
## TIMOTHY QUINN

- Professional Land Surveyor
- MSS Government Affairs Chair
- MSS Past-President
- MSGIC Member

## JAMES M. SHAW, JR.

- Professional Land Surveyor
- MSS Technology Chair
- MSS Past-President
- MSGIC Member

# WHAT IS A MAP?





## Aerial Photo



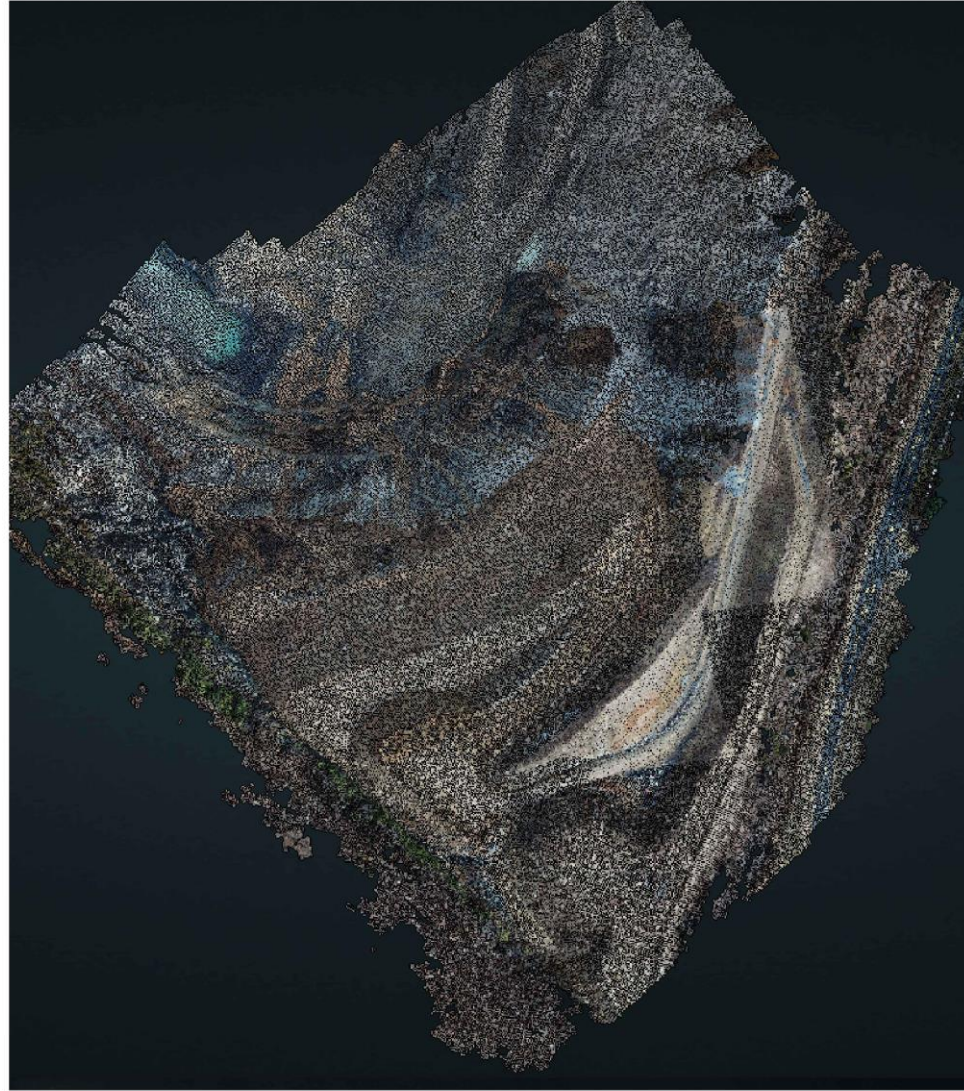


Ortho Photo



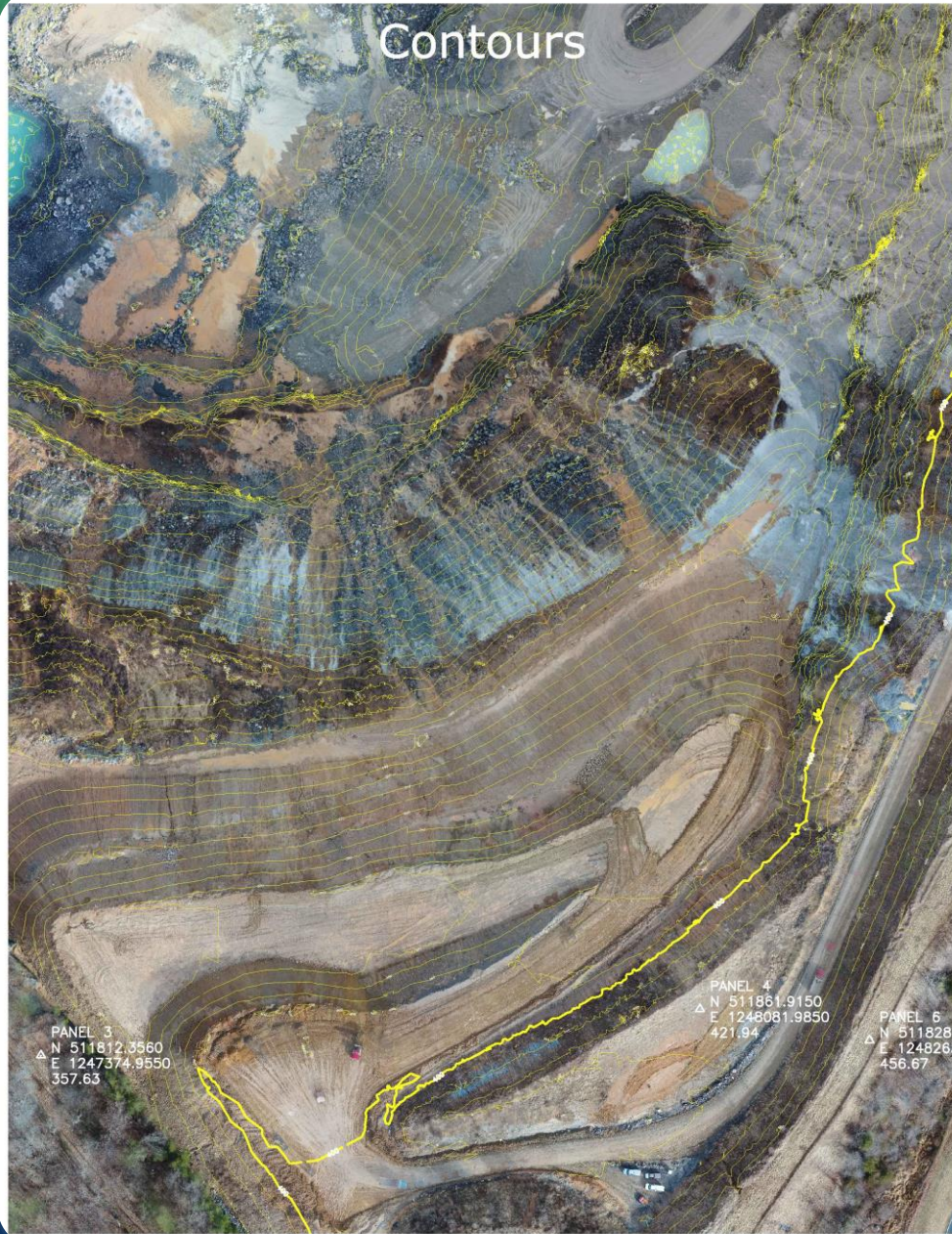


Point Cloud





## Contours



# MERRIAM-WEBSTER DICTIONARY

- a representation usually on a flat surface of the whole or a part of an area
- a representation of the celestial sphere or a part of it
- a diagram or other visual representation that shows the relative position of the parts of something
- something that represents with a clarity suggestive of a map



# ESRI GIS DICTIONARY

- A graphic representation of the spatial relationships of entities within an area.
- Any graphical representation of geographic or spatial information.

# AMERICAN CONGRESS ON SURVEYING AND MAPPING

- A representation on a plane surface, at an established scale, of the physical features (natural, artificial, or both) of a part or the whole of the earth's surface, by means of signs and symbols, and with the means of orientation indicated.



# BLACK'S LAW DICTIONARY

- A representation of the earth's surface, or of some portion of it, showing the relative position of the parts represented, usually on a flat surface.

# DO YOU DO ANY OF THE FOLLOWING?

- Any service, work, documentation, or practice, the performance or preparation of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the requirements of the relevant law, as applied to measuring, platting, and locating lines, angles, elevations, natural or artificial features in the air, on the surface of the earth, in underground work, and on the beds of bodies of water for the purpose of determining and reporting positions, topography, areas, and volumes.



# MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS § 15-101

- (k)(1) “Practice land surveying” means any service, work, documentation, or practice, the performance or preparation of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the requirements of the relevant law, as applied to:
  - (i) measuring, platting, and locating lines, angles, elevations, natural or artificial features in the air, on the surface of the earth, in underground work, and on the beds of bodies of water for the purpose of determining and reporting positions, topography, areas, and volumes;

# MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS § 15-301

- (a)(1) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice land surveying before the individual may practice land surveying in the State.
- (b) This section does not apply to:



# MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS § 15-301

- (1) an individual who practices land surveying while performing official duties as an officer or employee of the federal government;

# MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS § 15-301

- (2) an employee or other subordinate of a licensee, while the subordinate practices land surveying or practices property line surveying under the conditions authorized under § 15-303(a)(1)(i) or (2)(i) of this subtitle; or



# MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS § 15-301

- (3) an employee of an individual who is not licensed but who, nevertheless, is authorized to practice land surveying or to practice property line surveying, while the employee practices land surveying or practices property line surveying under the conditions authorized under § 15-303(a)(1)(ii) or (2)(ii) of this subtitle.

# MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS § 15-303

- (a) (1) Subject to this section, the following individuals may practice land surveying without a license:
  - (i) an employee or other subordinate of a professional land surveyor; and
  - (ii) an employee of an individual who is not licensed but is otherwise authorized under this title to practice land surveying without supervision.
- (2) Subject to this section, the following individuals may practice property line surveying without a license:
  - (i) an employee or other subordinate of a licensed property line surveyor; and
  - (ii) an employee of an individual who is not licensed but is otherwise authorized under this title to practice property line surveying without supervision.





ARE YOU IN  
VIOLATION OF  
MARYLAND LAW?

SOUTHEASTERN REPROGRAPHICS, INC.,  
NOW KNOWN AS THE DAVEY RESOURCE GROUP

V.

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS,  
THE STATE REGISTRATION BOARD FOR PROFESSIONAL  
ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[HTTP://WWW.PACOURTS.US/ASSETS/OPINIONS/COMMONWEALTH/OUT/2235CD14\\_5-24-16.PDF](http://www.pacourts.us/assets/opinions/commonwealth/out/2235CD14_5-24-16.pdf)



# KEY POSITION STATEMENT, FOR THE PETITIONER:

Otherwise, as argued before the Board, the use of GPS by a taxi driver to locate the address of a particular building would constitute an engineering land survey. In reaching this conclusion, we note that while the tools used to perform a service can be relevant in determining or identifying the nature of the service performed, the tool cannot be the determinative factor; technology, its availability and adaptability to other jobs contexts, will always change.



# MSS LEGISLATIVE ACTIONS & THE REASON LAND SURVEYORS ARE LICENSED



# ADVISORY OPINION EXCLUSIONS TO THE PRACTICE OF SURVEYING

KENTUCKY STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS & LAND SURVEYORS

KENTUCKY ASSOCIATION OF MAPPING PROFESSIONALS

KENTUCKY ASSOCIATION OF PROFESSIONAL SURVEYORS

[HTTPS://KYBOELS.KY.GOV/SITEASSETS/PAGES/WHATS-NEW/MAPPING%20SCIENCES%20ADVISORY%20OPINION.PDF](https://kyboels.ky.gov/siteassets/pages/whats-new/mapping%20sciences%20advisory%20opinion.pdf)

# A BETTER DEFINITION OF LOCATION?

An accurately and precisely established location of a feature, object or boundary sufficient for use in establishing property rights, legal proceedings, or to protect the safety of the public from hazardous assets or other man-made or natural features.



“PRACTICE LAND SURVEYING” MEANS ANY SERVICE, WORK, DOCUMENTATION, OR PRACTICE, THE PERFORMANCE OR PREPARATION OF WHICH REQUIRES THE APPLICATION OF SPECIAL KNOWLEDGE OF THE PRINCIPLES OF MATHEMATICS, THE RELATED PHYSICAL AND APPLIED SCIENCES, AND THE REQUIREMENTS OF THE RELEVANT LAW, AS APPLIED TO:

## Existing Language

- measuring, platting, and locating lines, angles, elevations, natural or artificial features in the air, on the surface of the earth, in underground work, and on the beds of bodies of water for the **purpose of determining and reporting positions, topography, areas, and volumes;**

## Proposed Solution

- measuring, platting, and locating lines, angles, elevations, natural or artificial features in the air, on the surface of the earth, in underground work, and on the beds of bodies of water for the **sufficient use in establishing property rights, legal proceedings, or to protect the safety of the public from hazardous assets or other man-made or natural features.**

# FEEDBACK / QUESTIONS

# PRESENTERS



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