

CHAPTER 111
FORMERLY
SENATE BILL NO. 118

AN ACT TO AMEND CHAPTER 27, TITLE 24 OF THE DELAWARE
CODE RELATING TO PROFESSIONAL LAND SURVEYORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE (Two-thirds of all members elected to each house thereof
concurring therein):

Section 1. Amend Chapter 27, Title 24 of the Delaware Code by creating a new Section 2723, to read as follows:

"§2723. Certificate of authorization.

(a) A professional land surveying corporation or partnership must have a certificate of authorization in order to practice, or offer to practice, land surveying as defined in this chapter.

(b) The practice of or offer to practice land surveying for the public by a professional land surveying corporation or partnership which has been issued a certificate of authorization is permitted, provided that 1 of the officers or 1 of the employees of the said land surveying corporation or partnership:

- (1) Is designated as being in responsible charge of the land surveying activities and surveying decisions of the said corporation or partnership; and
- (2) Is a licensee.

(c) All personnel of any such land surveying corporation or partnership who practice land surveying on its behalf shall be licensees. The requirements of this chapter shall not prevent a land surveying partnership or corporation and its employees from performing surveying services for the said land surveying partnership or corporation or its subsidiaries or for affiliated corporations.

(d) A land surveying corporation or partnership desiring a certificate of authorization shall file with the Board and the Division an application listing the names and addresses of all officers, board members and principals of the land surveying corporation or partnership and also of any licensee who shall be in responsible charge of the practice of land surveying through the said corporation or partnership, together with any other information required by the Division. The same information must accompany the biennial renewal fee. In the event there shall be a change in any of these persons during that biennial period, such change shall be filed with the Division within 30 days after the effective date of such change. If all the requirements of this section are met, the Board shall issue a certificate of authorization to such land surveying corporation or partnership, and such land surveying corporation or partnership shall be authorized to contract for and to collect fees for furnishing surveying services.

(e) The Board may refuse or reject an applicant if, after a hearing, the Board finds that the applicant has practiced surveying without being authorized under this section. Notwithstanding such a finding, the Board may allow licensure of such applicant if the applicant presents to the Board suitable evidence of reform.

(f) No such land surveying corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of

compliance with the provisions of this section, nor shall any individual practicing land surveying be relieved of responsibility for surveying services performed by reason of employment or relationship with such corporation or partnership.

(g) Applicants for a certificate of authorization must comply with the applicable state tax laws of Chapter 23 of Title 30. Proof of such compliance is required by the Division prior to the issuance of a certificate of authorization.

(h) A licensee who practices, or offers to practice, surveying under a name other than that person's licensed name is required to obtain a certificate of authorization, or to practice under a certificate of authorization."

Section 2. Amend Section 2714(a)(6), Title 24 of the Delaware Code by deleting the figure "\$500" appearing therein and inserting in lieu thereof the figure "\$5,000".

Approved July 06, 2009