

To: Codes Enforcement Officials
From: Tennessee Association of Professional Surveyors (TAPS)

Subject: Unlicensed Land Surveying Efforts

There is a practice occurring on a regular basis that is in direct violation of state law. The practice in question is performing land surveying services without a license. Your office is in the unique position to aid in the laws of the state being enforced and these particular violations being eliminated.

As you well know, many trades and professions require licensure at the point the individual offers his/her services to the general public. For the most part, when doing work for oneself, no license is required. TCA 62-6-103 requires contractors to be licensed. TCA 62-6-404 requires plumbers to be licensed. TCA 62-6-130 applies to electricians. Obviously, one cannot practice law, medicine, pharmacy, public accounting or cut hair without a license. The practice of land surveying also requires licensure.

There are some individuals in our community that are practicing land surveying without benefit of a license. This is in direct violation of TCA 62-18-120(b). "Any person who practices or offers to practice land surveying in this state in violation of this chapter commits a Class C misdemeanor. Each day of violation constitutes a separate offense."

Past discussions between members of our organization and members of the Tennessee State Board of Examiners for Land Surveyors (BOE) has rendered opinions that construction layout work is a practice of land surveying. This opinion is based on the fact that the construction layout services ultimately require decisions associated with property boundaries to accurately place proposed improvements on the site.

Your staff is in the unique position to readily observe individuals in violation of the above described statute. Should a member of your staff visit a site and witness someone surveying for the general public, we request that said staff member inquire into the survey party's credentials. Should the individuals not be licensed or not be practicing under direct supervision of a registered land surveyor (RLS), We would request that the member of your staff advise the individuals of the violation and request that they cease and desist operations immediately.

We would also like to inform some of you of a practice that many Codes Enforcement Officials already utilize. Many of the city and county codes enforcement offices across the state of Tennessee are requiring a copy of a foundation survey be filed in their office at some point during the construction process. It is TAPS and the BOE position that the implementation of this requirement would aid greatly in the elimination of practices in violation of the statute in question. We request that your office consider implementing the requirement of Foundation Surveys performed by RLS during the construction process. Not only would this requirement aid in policing unlicensed land surveying efforts, but it would also serve the public as an early indication of building setback and even property boundary encroachments by new construction.

In advance, we thank you for your diligence and consideration of our requests.

Regards,



Benjamin J. Moorman, RLS
President of TAPS