

CHAPTER 264

PROFESSIONS AND OCCUPATIONS

SENATE BILL 94-026

BY SENATORS Schroeder, Lacy, Martinez, Casey, and Norton;
also REPRESENTATIVES Agler, George, and Knox.

AN ACT

CONCERNING THE REGULATION OF THE PRACTICE OF ENGINEERING AND LAND SURVEYING, AND, IN CONNECTION THEREWITH, PROVIDING FOR THE CONTINUATION OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS AND REORGANIZING STATUTORY PROVISIONS RELATED THERETO, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-25-101, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-101. General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering is declared to be subject to regulation in the public interest. It shall be deemed that the right to engage in the practice of engineering is a privilege granted by the state through the ~~registration board~~ STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, CREATED IN SECTION 12-25-106; that the profession involves personal skill and presupposes a period of intensive preparation, internship, due examination, and admission; and that a professional engineer's license is solely ~~his~~ SUCH PROFESSIONAL ENGINEER'S own and IS nontransferable.

SECTION 2. 12-25-102 (1), (2), (6), (10), (11), (12), (13), and (14), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-102. Definitions. As used in this part 1, unless the context otherwise requires:

- (1) "Board" means the state board of registration for professional engineers and

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

professional land surveyors, CREATED IN SECTION 12-25-106.

(2) "Certificate" means the media issued by the board to evidence registration and licensing of a professional engineer. ~~or to evidence enrollment of an engineer-in-training.~~

(6) ~~"Engineer-in-training"~~ "ENGINEER-INTERN" means a person who has complied with the requirements of sections 12-25-111 and 12-25-112 and is duly enrolled as an ~~"engineer-in-training"~~ "ENGINEER-INTERN".

(10) "Practice of engineering" means the performance for others of any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical and engineering sciences to such professional services or creative work, including consultation, investigation, evaluation, planning, design, surveying, ~~and supervision of construction for the purpose of assuring compliance with specifications and design (but supervision of construction shall not include, unless responsibility therefor is specifically assumed by contract, superintendence of any contractor's or subcontractor's processes, means, methods, equipment, or personnel for the purpose of maintaining a safe place to work or safety in or about the site of the work)~~ AND THE OBSERVATION OF CONSTRUCTION TO EVALUATE COMPLIANCE WITH PLANS AND SPECIFICATIONS in connection with the ~~utilizing~~ UTILIZATION of the forces, energies, and materials of nature in the development, production, and functioning of engineering processes, apparatus, machines, equipment, facilities, structures, buildings, works, or utilities, or any combination or aggregations thereof, employed in or devoted to public or private enterprise or uses.

(11) "Professional engineer" means an engineer duly registered AND LICENSED PURSUANT TO THIS PART 1.

(12) "Registrant" means ~~a person~~ AN INDIVIDUAL duly registered and licensed to practice engineering.

(13) "Registration" means formal action by the board to officially license ~~a person~~ AN INDIVIDUAL to practice engineering and to make an official record thereof.

(14) "Responsible charge" means control and direction of engineering work within a professional engineer's scope of competence. Experience may only be classified as "responsible charge" if the engineer is registered AND LICENSED PURSUANT TO THIS PART 1, unless the work involves an activity exempted pursuant to section 12-25-103.

SECTION 3. 12-25-103, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-103. Exemptions. (1) This part 1 shall not be construed to affect any of the following:

(a) ~~Persons~~ INDIVIDUALS who normally operate and maintain machinery or equipment;

(b) ~~Persons~~ INDIVIDUALS who perform engineering services for themselves;

(c) Partnerships, professional associations, joint stock companies, LIMITED LIABILITY COMPANIES, or corporations, or the employees of any such organizations, who perform engineering services for themselves or their affiliates;

(d) ~~Persons~~ INDIVIDUALS who perform engineering services under the ~~control and direction~~ RESPONSIBLE CHARGE of a registrant;

(e) Work of a strictly agricultural nature which is not required to be of public record;

(f) Professional land surveying as defined in section 12-25-202 (6);

(g) ~~Any person~~ INDIVIDUALS who ~~is~~ ARE employed by and ~~performs~~ PERFORM engineering services solely for a county, city and county, or municipality;

(h) ~~Other legally recognized professions; or~~

(i) ~~Any person~~ INDIVIDUALS who ~~is~~ ARE employed by and ~~performs~~ PERFORM engineering services solely for the federal government;

(j) INDIVIDUALS WHO PRACTICE ARCHITECTURE AS DEFINED IN SECTION 12-4-102 (5); OR

(k) UTILITIES OR THEIR EMPLOYEES OR CONTRACTORS WHEN PERFORMING SERVICES FOR ANOTHER UTILITY DURING TIMES OF NATURAL DISASTERS OR EMERGENCY SITUATIONS.

SECTION 4. 12-25-104, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-104. Forms of organizations permitted to practice. (1) No ~~firm~~, partnership, corporation, LIMITED LIABILITY COMPANY, or joint stock association shall be registered under this part 1. No ~~firm~~, partnership, corporation, LIMITED LIABILITY COMPANY, or joint stock association shall practice or offer to practice engineering in the state except under the following conditions:

(a) Professional engineers may practice under this part 1 as individuals or partners or through joint stock associations, LIMITED LIABILITY COMPANIES, or corporations.

(b) In the case of practice through a partnership, at least one of the partners shall be a professional engineer registered under this part 1, and all engineering plans, designs, drawings, specifications, or reports issued by or for the partnership shall bear the seal of said professional engineer partner or a professional engineer in responsible charge of, and directly responsible for, such engineering work when issued.

(c) In the case of the practice of engineering through a joint stock association, LIMITED LIABILITY COMPANY, or corporation, engineering services or work involving the practice of engineering may be offered through such joint stock association, LIMITED LIABILITY COMPANY, or corporation if the person in responsible charge of the engineering activities of the joint stock association, LIMITED LIABILITY COMPANY, or corporation is a professional engineer licensed and registered pursuant to this part 1.

All engineering plans, designs, drawings, specifications, or reports which are involved in such practice, issued by or for such joint stock association, LIMITED LIABILITY COMPANY, or corporation, shall bear the seal and signature of a professional engineer in responsible charge of, and directly responsible for, such engineering work when issued.

SECTION 5. 12-25-105, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-105. Unlawful practice - penalties - enforcement. (1) It is unlawful for any ~~person~~ INDIVIDUAL to hold himself OR HERSELF out to the public as a professional engineer unless ~~he~~ SUCH INDIVIDUAL has complied with the provisions contained in this part 1.

(2) It is unlawful for any ~~person~~ INDIVIDUAL, partnership, professional association, joint stock company, LIMITED LIABILITY COMPANY, or corporation to practice, or offer to practice, engineering in this state unless the ~~person~~ INDIVIDUAL in responsible charge has complied with the provisions of this part 1.

(3) Unless licensed or exempted pursuant to this part 1, it is unlawful for any ~~person~~ INDIVIDUAL, partnership, professional association, joint stock company, LIMITED LIABILITY COMPANY, or corporation to use any of the following titles: Civil engineer, structural engineer, chemical engineer, petroleum engineer, mining engineer, mechanical engineer, or electrical engineer. In addition, unless licensed pursuant to this part 1, it is unlawful for any ~~person~~ INDIVIDUAL, partnership, professional association, joint stock company, LIMITED LIABILITY COMPANY, or corporation to use the words "engineer", "engineered", or "engineering" in any offer to the public to perform the services set forth in section 12-25-102 (10). Nothing in this subsection (3) shall prohibit the general use of the words "engineer", "engineered", and "engineering" so long as such words are not being used in an offer to the public to perform the services set forth in section 12-25-102 (10).

(4) It is unlawful for any ~~person~~ INDIVIDUAL to use in any manner an expired, suspended, or revoked license, certificate, or seal.

(5) It is unlawful for any ~~person~~ INDIVIDUAL to use in any manner a certificate or certificate number which has not been issued to ~~him~~ SUCH INDIVIDUAL by the board.

(6) The practice of engineering in violation of any of the provisions of this part 1 shall be deemed a class 3 misdemeanor and shall be:

(a) Restrained by injunction in an action brought by the attorney general or by the district attorney of the proper district ~~Such actions shall be brought~~ in the county in which the violation occurs; OR

(b) (I) CEASED BY ORDER OF THE BOARD PURSUANT TO SECTION 12-25-109 (8) (b).

(II) IF ANY PERSON FAILS TO COMPLY WITH A CEASE AND DESIST ORDER ISSUED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING AND, IF SO REQUESTED, THE

ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL BRING A SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE ORDER.

(7) Any ~~person~~ INDIVIDUAL, partnership, professional association, joint stock company, LIMITED LIABILITY COMPANY, or corporation who violates any of the provisions of this part 1 commits a class 3 misdemeanor and ~~upon conviction thereof,~~ shall be punished as provided in section 18-1-106, C.R.S.

(8) Repealed, L. 88, p. 519, § 34, effective July 1, 1988.

(9) SUBSEQUENT TO A FINDING BY THE BOARD THAT AN INDIVIDUAL, PARTNERSHIP, PROFESSIONAL ASSOCIATION, JOINT STOCK COMPANY, LIMITED LIABILITY COMPANY, OR CORPORATION HAS UNLAWFULLY ENGAGED IN THE PRACTICE OF ENGINEERING, THE BOARD MAY JOINTLY AND SEVERALLY ASSESS A FINE AGAINST SUCH UNLAWFULLY ENGAGED PARTY IN AN AMOUNT NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS.

SECTION 6. 12-25-106 (2) (b) and (5), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-106. State board of registration - subject to termination - repeal of article. (2) (b) This article is repealed, effective ~~July 1, 1994~~ JULY 1, 2004.

(5) Appointments to the board shall be made by the governor and shall be made to provide for staggering of terms of members so that not more than three members' terms expire each year. Thereafter appointments shall be for terms of four years. Each board member shall hold office until the expiration of the term for which ~~he~~ SUCH MEMBER is appointed or until a successor has been duly appointed and qualified. Appointees shall be limited to two full terms. The governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

SECTION 7. 12-25-107 (1) (e), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-107. Powers and duties of the board. (1) In order to carry into effect the provisions of this part 1, the board shall:

(e) (I) Publish a complete roster annually. The roster shall be filed with the executive director of the department of regulatory agencies and each county clerk and recorder. The roster shall be mailed to each professional engineer who has remitted the renewal fee for that year and whose name appears in the roster and shall be made available to the public upon request and upon payment of the appropriate fee.

(II) The roster shall contain:

~~(A)~~ (A) The annual fiscal year report prepared by the board;

~~(B)~~ (B) Statutes administered by the board;

~~(C)~~ (C) An alphabetical list of the names and addresses, of record, of all

professional engineers;

~~(IV)~~ (D) The location of all technical publications purchased by the board which are made available to the public;

~~(V)~~ (E) Rules and regulations of the board;

~~(VI)~~ (F) Such other pertinent information as the board deems necessary;

~~(VII)~~ (G) The rules of professional conduct adopted pursuant to paragraph (b) of this subsection (1).

SECTION 8. 12-25-108, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-25-108. Disciplinary actions - grounds for discipline. (1) The board has the power to deny, suspend, revoke, or refuse to renew the license and certificate of registration of, LIMIT THE SCOPE OF PRACTICE OF, or place on probation, any professional engineer or ~~engineer-in-training~~ ENGINEER-INTERN who is found guilty of:

(a) ~~The practice of any~~ ENGAGING IN fraud, misrepresentation, or deceit in obtaining or attempting to obtain a certificate of registration or enrollment;

(b) ~~Any act or omission which fails~~ FAILING to meet the generally accepted standards of engineering practice WHETHER THROUGH ACT OR OMISSION;

(c) ~~Conviction of or pleading guilty to~~ A felony; ~~However,~~ EXCEPT THAT the board shall be governed by the provisions of section 24-5-101, C.R.S., in considering such conviction or plea. A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea for the purposes of any hearing under this part 1. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(d) (Deleted by amendment, L. 88, p. 504, § 4, effective July 1, 1988.)

(e) ~~Violation of~~ VIOLATING, or aiding or abetting in the violation of, the provisions of this part 1, any rule or regulation adopted by the board in conformance with the provisions of this part 1, or any order of the board issued in conformance with the provisions of this part 1;

(f) ~~Use of~~ USING false, deceptive, or misleading advertising;

(g) Performing services beyond one's competency, training, or education;

(h) ~~Failure~~ FAILING to report to the board any registered professional engineer known to have violated any provision of this part 1 or any board order or rule or regulation;

(i) ~~Habitual intemperance with respect to or excessive use of any habit-forming~~

~~drug, as defined in section 12-22-102 (13), any controlled substance, as defined in section 12-22-303 (7), or any alcoholic beverage~~ BEING ADDICTED TO OR DEPENDENT UPON ALCOHOL OR HABIT-FORMING DRUGS OR CONTROLLED SUBSTANCES AS DEFINED IN SECTION 18-18-102 (5), C.R.S.;

(j) ~~Any use of a~~ USING ANY schedule I controlled substance, as set forth in section 18-18-203, C.R.S.; ~~or~~

(k) ~~Failure~~ FAILING to report to the board any malpractice claim against such registered professional engineer or any ~~firm~~; partnership, corporation, LIMITED LIABILITY COMPANY, or joint stock association of which ~~he~~ SUCH PROFESSIONAL ENGINEER is a member, that is settled or in which judgment is rendered, within sixty days of the effective date of such settlement or judgment, if such claim concerned engineering services performed or supervised by such engineer;

(l) FAILING TO PAY ANY FINE ASSESSED PURSUANT TO THIS ARTICLE; OR

(m) VIOLATING ANY LAW OR REGULATION GOVERNING THE PRACTICE OF ENGINEERING IN ANOTHER STATE OR JURISDICTION. A PLEA OF NOLO CONTENDERE OR ITS EQUIVALENT ACCEPTED BY THE BOARD OF ANOTHER STATE OR JURISDICTION MAY BE CONSIDERED TO BE THE SAME AS A FINDING OF GUILTY FOR PURPOSES OF ANY HEARING UNDER THIS PART 1.

(2) The board may issue a letter of admonition to a professional engineer or an ~~engineer-in-training~~ ENGINEER-INTERN based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-109 (4). Such letter shall be sent to the ~~licensee~~ REGISTRANT by certified mail and shall advise ~~him that he may~~ SUCH REGISTRANT OF THE RIGHT TO, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-109 in order to formally adjudicate the conduct or acts on which the letter was based.

(3) ~~Any disciplinary action concerning licensure or enrollment in another state or jurisdiction on grounds substantially similar to those that would constitute a violation under this part 1 shall be prima facie evidence of grounds for disciplinary action, including denial of licensure, under this part 1.~~

(4) (a) IN ADDITION TO ANY OTHER PENALTY WHICH MAY BE IMPOSED PURSUANT TO THIS ARTICLE, ANY REGISTRANT VIOLATING ANY PROVISION OF THIS ARTICLE OR ANY RULE OR REGULATION PROMULGATED PURSUANT TO THIS ARTICLE MAY BE FINED FOR EACH VIOLATION PROVEN BY THE BOARD AS FOLLOWS:

(I) IN THE FIRST ADMINISTRATIVE PROCEEDING AGAINST A REGISTRANT, A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS;

(II) IN ANY SUBSEQUENT ADMINISTRATIVE PROCEEDING AGAINST A REGISTRANT DETERMINING THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS.

(b) ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (4) SHALL BE CREDITED

TO THE GENERAL FUND.

SECTION 9. 12-25-109 (1), (2), and (8), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-109. Disciplinary proceedings - injunctive relief procedure. (1) The board upon its own motion may, and upon the receipt of a signed complaint in writing from any person shall, investigate the activities of any professional engineer, ~~engineer-in-training~~ ENGINEER-INTERN, or other person who presents grounds for disciplinary action as specified in this part 1.

(2) Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until dismissed or until notice of hearing and charges are served on a professional engineer or an ~~engineer-in-training~~ ENGINEER-INTERN or until final agency action is otherwise taken by the board. The board's records and papers shall be subject to the provisions of sections 24-72-203 and 24-72-204, C.R.S., regarding public records and confidentiality.

(8) (a) The board is authorized to apply for injunctive relief, in the manner provided by the Colorado rules of civil procedure, to enforce the provisions of this part 1 or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the board, its staff, and the attorney general shall not be held personally liable ~~under this proceeding~~ IN ANY SUCH PROCEEDING.

(b) (I) IF THE BOARD HAS REASON TO BELIEVE THAT ANY INDIVIDUAL HAS ENGAGED IN, OR IS ENGAGING IN, ANY ACT OR PRACTICE WHICH CONSTITUTES A VIOLATION OF ANY PROVISION OF THIS ARTICLE, THE BOARD MAY INITIATE PROCEEDINGS TO DETERMINE IF SUCH A VIOLATION HAS OCCURRED. HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S.

(II) (A) AFTER NOTICE AND A HEARING AND IF THERE IS A FINDING BY A MAJORITY OF THE BOARD THAT A VIOLATION OF ANY PROVISION OF THIS ARTICLE HAS OCCURRED, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST FROM ANY ACTIVITY FOUND TO BE IN VIOLATION OF THIS ARTICLE.

(B) A COPY OF THE CEASE AND DESIST ORDER SHALL BE FURNISHED TO ALL PARTIES.

(c) IN ANY ACTION BROUGHT PURSUANT TO THIS SUBSECTION (8), EVIDENCE OF THE COMMISSION OF A SINGLE ACT PROHIBITED BY THIS ARTICLE SHALL BE SUFFICIENT TO JUSTIFY THE ISSUANCE OF AN INJUNCTION OR A CEASE AND DESIST ORDER.

SECTION 10. 12-25-110 (2) and (5), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-110. Application for license and certificates. (2) No new application shall be required of ~~persons~~ ANY INDIVIDUAL requiring reexamination by the board, and ANY such ~~persons~~ INDIVIDUAL shall be notified when the next examination will

be held.

(5) No ~~person~~ INDIVIDUAL whose license or enrollment has been revoked shall be allowed to reapply for licensure earlier than two years after the effective date of the revocation.

SECTION 11. 12-25-111, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-111. Eligibility for engineer-intern. To be eligible for enrollment as an ~~engineer-in-training~~ ENGINEER-INTERN, an applicant shall provide documentation of ~~his~~ SUCH APPLICANT'S technical competence.

SECTION 12. 12-25-112, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-112. Qualifications for engineer-intern. (1)(a) An applicant may qualify for enrollment as an ~~engineer-in-training~~ ENGINEER-INTERN by endorsement if ~~he~~ SUCH APPLICANT is enrolled in good standing in another jurisdiction requiring qualifications substantially equivalent to those currently required of applicants under this part 1 or if, at the time of initial enrollment in such jurisdiction, ~~he~~ SUCH APPLICANT met the requirements for enrollment then in existence under Colorado law.

(b) Upon completion of the application and approval by the board, the applicant shall be enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN if the applicant is otherwise qualified pursuant to section 12-25-111.

(2) (a) An applicant may qualify for enrollment as an ~~engineer-in-training~~ ENGINEER-INTERN by graduation and examination if ~~he~~ SUCH APPLICANT passes the fundamentals of engineering examination.

(b) In order to be admitted to ~~such~~ THE examination PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), the applicant must:

(I) Have graduated from a board-approved engineering curriculum of four or more years; or

(II) Have senior status in a board-approved engineering curriculum of four or more years.

~~(b)~~ (c) Upon passing the examination and the submission of official transcripts verifying graduation or impending graduation, the applicant shall be enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN if the applicant is otherwise qualified pursuant to section 12-25-111.

(3) (a) An applicant may qualify for enrollment as an ~~engineer-in-training~~ ENGINEER-INTERN by graduation, experience, and examination if ~~he~~ SUCH APPLICANT passes the fundamentals of engineering examination and possesses a total of six years of progressive engineering experience, of which educational study may be a part.

(b) In order to be admitted to ~~such~~ THE examination PURSUANT TO PARAGRAPH (a)

OF THIS SUBSECTION (3), the applicant must:

(I) Have graduated from a board-approved engineering technology curriculum of four or more years; or

(II) (A) Have graduated from an engineering curriculum of four or more years not approved by the board or from a related science curriculum of four or more years; and

(B) Have four years of progressive engineering experience, of which educational study may be a part.

~~(b)~~ (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN if the applicant is otherwise qualified pursuant to section 12-25-111.

(4) (a) An applicant may qualify for enrollment as an ~~engineer-in-training~~ ENGINEER-INTERN by experience and examination if ~~he~~ SUCH APPLICANT passes the fundamentals of engineering examination.

(b) In order to be admitted to ~~such~~ THE examination PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), the applicant must:

(I) Have graduated from high school or its equivalent; and

(II) Have six years of progressive engineering experience, of which educational study may be a part.

~~(b)~~ (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN if the applicant is otherwise qualified pursuant to section 12-25-111.

SECTION 13. 12-25-113, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-113. Eligibility for professional engineer. To be eligible for licensing and registration as a professional engineer, an applicant shall provide documentation of ~~his~~ SUCH APPLICANT'S technical competence.

SECTION 14. 12-25-114, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-114. Qualifications for professional engineer. (1) (a) An applicant may qualify for licensing and registration as a professional engineer by endorsement if ~~he~~ SUCH APPLICANT is licensed in good standing in another jurisdiction requiring qualifications substantially equivalent to those currently required of applicants under this part 1 or if, at the time of initial licensure in such jurisdiction, ~~he~~ SUCH APPLICANT met the requirements for licensure then in existence under Colorado law.

(b) Upon completion of the application and approval by the board, the applicant

shall be licensed and registered as a professional engineer if the applicant is otherwise qualified pursuant to section 12-25-113.

(2) (a) An applicant may qualify for licensing and registration as a professional engineer by graduation, experience, and examination if ~~he~~ SUCH APPLICANT passes the principles and practice of engineering examination.

(b) In order to be admitted to ~~such~~ THE examination PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), the applicant must:

(I) (A) Have graduated from a board-approved engineering curriculum of four or more years; and

(B) Have eight years of progressive engineering experience, of which educational study may be a part; and

(C) Have been enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN in this state; or

(II) (A) Have graduated from a board-approved engineering technology curriculum of four or more years; and

(B) Have ten years of progressive engineering experience, of which educational study may be a part; and

(C) Have been enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN in this state; or

(III) (A) Have graduated from an engineering curriculum of four or more years not approved by the board or from a related science curriculum of four or more years; and

(B) Have ten years of progressive engineering experience, of which educational study may be a part; and

(C) Have been enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN in this state; or

(IV) (A) Have graduated from an engineering curriculum of four or more years or from a related science curriculum of four or more years; and

(B) Have twenty years of progressive engineering experience, of which educational study may be a part.

~~(b)~~ (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed and registered as a professional engineer if the applicant is otherwise qualified pursuant to section 12-25-113.

(3) (a) An applicant may qualify for licensing and registration as a professional engineer by experience and examination if ~~he~~ SUCH APPLICANT passes the principles and practice of engineering examination.

(b) In order to be admitted to ~~such~~ THE examination PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), the applicant must:

(I) Have twelve years of progressive engineering experience, of which educational study may be a part; and

(II) Have been enrolled as an ~~engineer-in-training~~ ENGINEER-INTERN in this state.

~~(b)~~ (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed and registered as a professional engineer if the applicant is otherwise qualified pursuant to section 12-25-113.

(4) (a) A professional engineer who has been duly registered and licensed to practice engineering in this state and who is over sixty-five years of age, upon application, may be listed ~~separately in the roster of engineers~~ CLASSIFIED as a retired professional engineer. ~~Persons~~ INDIVIDUALS who are so listed CLASSIFIED shall lose their registration and shall not practice engineering ~~but~~ AND shall ~~be required to pay the required~~ A fee for a roster listing as a TO RETAIN retired professional engineer STATUS.

(b) (I) A retired professional engineer shall be reinstated to the status of a professional engineer upon payment of the RENEWAL registration fee. ~~for the current year and~~ No other fee shall be assessed against ~~him~~ SUCH RETIRED PROFESSIONAL ENGINEER as a penalty. ~~nor shall he be required to take any oral, written, or practical examination for such reinstatement.~~

(II) FOR ANY PROFESSIONAL ENGINEER WHO HAS BEEN RETIRED FOR TWO OR MORE YEARS, THE BOARD MAY REQUIRE REEXAMINATION OR RECERTIFICATION, UNLESS THE BOARD IS SATISFIED OF SUCH RETIRED PROFESSIONAL ENGINEER'S CONTINUED COMPETENCE.

SECTION 15. 12-25-115 (2) and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-115. Licenses - certificates. (2) The board, upon acceptance of a qualified ~~engineer-in-training~~ ENGINEER-INTERN and upon receipt of payment of the required fee, shall ~~enroll and issue a numbered engineer-in-training certificate to~~ CERTIFY said applicant.

(4) The license of any professional engineer who fails to pay the license renewal fee shall expire. An expired license may be renewed within two years after expiration upon payment of all fees in arrears and, after two years, in addition to the payment of fees, the board may require reexamination or recertification, unless the professional engineer has maintained an active engineering practice in another jurisdiction or otherwise satisfies the board of ~~his~~ SUCH ENGINEER'S continued competence.

SECTION 16. 12-25-116 (1) (b), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-116. Fees - disposition. (1) Pursuant to section 24-34-105, C.R.S., the board shall charge and collect fees for the following:

(b) With respect to ~~engineers-in-training~~ ENGINEER-INTERNS:

(I) ~~Issuance of a certificate of enrollment~~ CERTIFICATION as an ~~engineer-in-training~~ ENGINEER-INTERN;

(II) ~~Replacement of a certificate of enrollment;~~

(III) Application for the fundamentals of engineering examination;

(IV) Reexamination for the fundamentals of engineering examination;

(V) Application for enrollment by endorsement.

SECTION 17. 12-25-117 (3) and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-117. Professional engineer seal. (3) The seal and signature shall be used by an engineer only when the work being stamped was under the engineer's ~~complete direction and control~~ RESPONSIBLE CHARGE.

(4) ~~The use of an engineer's seal shall be subject to the following:~~

(a) ~~The seal and the signature of the engineer whose name appears on the seal shall be placed on reproductions of drawings to establish a record set of contract documents. The record set shall be prominently identified and shall be for the permanent record of the engineer, the project owner, and the regulatory authorities who have jurisdiction over the project.~~

(b) ~~The seal shall be placed on each reproduction of drawings which is prepared under the complete direction and control of the engineer and on the cover, title page, and table of contents of specifications. Subsequent issues of addenda, revisions, clarifications, or other modifications shall be properly identified for the record set. Where consultant drawings and specifications are incorporated into the record set, they shall be clearly identified by consultant stamps or other means in accordance with law to distinguish proper reference to origination.~~

(c) ~~The seal shall not be placed on reproducible drawings which are used for multiple copies or on reproducible drawings which are transferred away from the engineer's possession and supervision.~~

(d) ~~The record set retained in possession of the engineer shall be held for a minimum of three years following beneficial occupancy or beneficial use of the project by the owner or occupant.~~

SECTION 18. 12-25-118, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-118. Immunity in professional review. Any member of the board, its staff,

~~or any witnesses~~ ANY INDIVIDUAL ACTING AS A CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED BY THIS ARTICLE, OR ANY INDIVIDUAL WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE shall be immune from criminal liability and from suit in any civil action brought by any person based upon an action of the board, if such BOARD member, staff person, ~~or~~ CONSULTANT, witness, OR COMPLAINANT acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which ~~he~~ SUCH BOARD MEMBER, STAFF PERSON, CONSULTANT, WITNESS, OR COMPLAINANT acts, and acts in the reasonable belief that the action taken ~~by him~~ is warranted by the facts. The immunity provided shall also extend to any person participating in good faith in any investigative proceeding pursuant to this part 1.

SECTION 19. 12-25-201, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-201. General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of professional land surveying in Colorado is hereby declared to be subject to regulation. It shall be unlawful for any ~~person~~ INDIVIDUAL to practice professional land surveying in Colorado or to use in connection with ~~his~~ SUCH INDIVIDUAL'S name, or to otherwise assume, or to advertise any title or description tending to convey the impression that ~~he~~ SUCH INDIVIDUAL is a professional land surveyor, unless such ~~person~~ INDIVIDUAL has been duly registered or is exempted under the provisions of this part 2. The practice of professional land surveying shall be deemed a privilege granted by the state of Colorado based on the qualifications of the individual as evidenced by ~~his~~ SUCH INDIVIDUAL'S licensing and registration.

SECTION 20. 12-25-202 (2), (3), (6), (7), (8), (9), and (11), Colorado Revised Statutes, 1991 Repl. Vol., are amended, and the said 12-25-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-202. Definitions. As used in this part 2, unless the context otherwise requires:

(2) "Certificant" means a ~~surveyor-in-training~~ LAND SURVEYOR-INTERN certified by the board.

(3) "Certificate" means the media issued by the board under seal to evidence ~~certification or~~ licensing and registration.

(3.5) "LAND SURVEYOR-INTERN" MEANS AN INDIVIDUAL CERTIFIED BY THE BOARD AFTER DEMONSTRATING SUCH INDIVIDUAL'S COMPETENCY, AS REQUIRED BY SECTION 12-25-212.

(6) (a) "Professional land surveying" means any service or work, the adequate performance of which involves: The application of special knowledge of the principles of mathematics; the related physical and applied sciences; and the relevant requirements of law for measuring and locating points, lines, angles, elevations, and ~~man-made~~ NONNATURAL features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for determining relative position and areas as they pertain to the monumenting of property boundaries,

condominium measurements, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment, and grades of streets and for the preparation and perpetuation of maps, record plats, field note records, and property OR LEGAL descriptions that represent these surveys. PROFESSIONAL LAND SURVEYING MAY ALSO INCLUDE OTHER TYPES OF SURVEYING.

(b) ~~Any person~~ AN INDIVIDUAL shall be construed as practicing or offering to practice "professional land surveying" within the meaning and intent of this part 2 if ~~he~~ SUCH INDIVIDUAL engages therein or, by verbal claim, sign, letterhead, or card or in any other way ~~represents himself~~ HOLDS HIMSELF OR HERSELF OUT to be a professional land surveyor or ~~if he represents himself~~ as being able to perform ANY PROFESSIONAL LAND SURVEYING SERVICE or IF SUCH INDIVIDUAL does perform any professional land surveying service or work or any other service designated by the practitioner which is recognized as "professional land surveying".

(7) "Professional land surveyor" means an individual who practices professional land surveying and who is currently registered with the board after demonstrating ~~his~~ competency to practice, as required by section 12-25-214.

(8) "Registrant" means ~~a person~~ AN INDIVIDUAL duly registered and licensed to practice land surveying.

(9) "Registration" means the formal action by the board to license ~~a person~~ AN INDIVIDUAL to practice land surveying and to make an official record thereof.

(11) ~~"Surveyor-in-training" means an individual certified by the board after demonstrating his competency, as required by section 12-25-212.~~

SECTION 21. 12-25-203 (1) (a) and (1) (b), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-203. Exemptions. (1) This part 2 shall not be construed to prevent or to affect:

(a) The work of an employee or subordinate of a professional land surveyor holding a certificate of registration under this part 2, if such work is performed under ~~his~~ THE direct supervision OF SUCH PROFESSIONAL LAND SURVEYOR;

(b) The practice of ~~duly authorized~~ employees of the federal government ~~who are~~ DULY AUTHORIZED UNDER 43 U.S.C. 772 AND 43 C.F.R. SEC. 9180.0-3, WHILE engaged in the practice of surveying within the course of their federal employment in the state of Colorado; or

SECTION 22. 12-25-204, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-204. Forms of organizations permitted to practice. (1) No ~~firm~~, partnership, corporation, LIMITED LIABILITY COMPANY, or joint stock association shall be registered under this part 2.

(2) No ~~firm~~, partnership, corporation, LIMITED LIABILITY COMPANY, or joint stock

association shall practice or offer to practice land surveying in this state unless the ~~person~~ INDIVIDUAL in responsible charge of the land surveying activities of the organization is a professional land surveyor registered under this part 2. All documents, plats, and reports which are involved in such practice, issued by or for such organizations shall bear the seal and signature of the professional land surveyor registered under this part 2 who is in responsible charge of and directly responsible for such land surveying work.

SECTION 23. 12-25-205, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-205. Unlawful practice - penalties - enforcement. (1) It is unlawful for any ~~person~~ INDIVIDUAL to practice or offer to practice PROFESSIONAL LAND surveying in Colorado without being licensed and registered in accordance with the provisions of this part 2, or for any ~~person~~ INDIVIDUAL or entity to use or employ the words "land surveyor", "land surveying", or "professional land surveyor" or words of similar meaning or any modification or derivative except as authorized in this part 2.

(2) It is unlawful for any ~~person~~ INDIVIDUAL to present or attempt to use the certificate of registration number or seal of another, to give any false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain certification or registration, or to falsely impersonate any other registrant of like or different name.

(3) It is unlawful for any ~~person~~ INDIVIDUAL to attempt to use an expired, revoked, suspended, or nonexistent license and certificate of registration, to practice or offer to practice when not qualified, or to falsely claim that ~~he~~ SUCH INDIVIDUAL is licensed and registered.

(3.5) THE PRACTICE OF PROFESSIONAL LAND SURVEYING IN VIOLATION OF ANY OF THE PROVISIONS OF THIS PART 2 SHALL BE DEEMED A CLASS 3 MISDEMEANOR AND SHALL BE EITHER:

(a) RESTRAINED BY INJUNCTION IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL OR BY THE DISTRICT ATTORNEY OF THE PROPER DISTRICT IN THE COUNTY IN WHICH THE VIOLATION OCCURS; OR

(b) (I) CEASED BY ORDER OF THE BOARD PURSUANT TO SECTION 12-25-209 (8) (b).

(II) IF ANY PERSON FAILS TO COMPLY WITH A CEASE AND DESIST ORDER ISSUED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING AND, IF SO REQUESTED, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL BRING A SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE ORDER.

(4) Any ~~person~~ INDIVIDUAL who violates any of the provisions of this part 2 commits a class 3 misdemeanor and ~~upon conviction thereof~~, shall be punished as provided in section 18-1-106, C.R.S. In case of damage to others caused by such misdemeanor, the court of jurisdiction shall consider restitution in each case.

(5) It is the duty of all duly constituted officers of the law of Colorado, or any political subdivision thereof, to enforce the provisions of this part 2 and to prosecute any person violating this part 2.

(6) The attorney general or ~~his~~ THE ATTORNEY GENERAL'S assistant shall act as legal advisor to the board and render such timely legal assistance as may be necessary in carrying out the provisions of this part 2. With the concurrence of the attorney general, the board may employ counsel and assistance necessary to aid in the enforcement of this part 2, and the compensation and expenses therefor shall be paid from the funds of the board.

(7) Any ~~person~~ INDIVIDUAL practicing professional land surveying, as defined in this part 2, who is not licensed and registered or exempt shall not collect compensation of any kind for such practice, and, if compensation has been paid, such compensation shall be refunded in full.

(8) SUBSEQUENT TO A FINDING BY THE BOARD THAT AN INDIVIDUAL HAS UNLAWFULLY ENGAGED IN THE PRACTICE OF PROFESSIONAL LAND SURVEYING, THE BOARD MAY ASSESS A FINE AGAINST SUCH UNLAWFULLY ENGAGED INDIVIDUAL IN AN AMOUNT NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS.

SECTION 24. 12-25-206 (4), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-206. Board - composition - appointments - terms. (4) The governor, in making appointments of professional land surveyors to the board, shall endeavor to select the highest qualified members of the profession willing to serve on the board. Staggered appointments shall be made so that not more than one member's term expires in any one year, and thereafter appointments shall be for terms of four years each. Appointees shall be limited to two full terms each. Each board member shall hold office until the expiration of the term for which ~~he~~ SUCH MEMBER is appointed or until a successor has been duly appointed.

SECTION 25. 12-25-207 (1) (d) and (1) (e), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-207. Powers and duties of the board. (1) In addition to all other powers and duties conferred or imposed upon the board by this article or any other article, the board shall adopt and promulgate, under the provisions of section 24-4-103, C.R.S., such rules and regulations as it may deem necessary or proper to carry out the provisions of this part 2 and shall:

(d) (I) Publish a complete roster annually. The roster shall be filed with the executive director of the department of regulatory agencies and each county clerk and recorder. The roster shall be mailed to each professional land surveyor who has remitted the renewal fee for that year and whose name appears in the roster and may be made available to the public on request and upon payment of the appropriate fee.

(II) The roster shall contain:

~~(A)~~ (A) The surveying statutes administered by the board;

~~(B)~~ (B) An alphabetical list of the names and addresses, of record, of all currently registered professional land surveyors;

~~(C)~~ (C) A list containing the registration numbers in numerical sequence and the names of all registered professional land surveyors;

~~(D)~~ (D) The rules of conduct for professional land surveyors adopted pursuant to paragraph (a) of this subsection (1); and

~~(E)~~ (E) The rules of the board.

(e) Provide for and administer written examinations to be given at such times and locations as the board shall designate. Written examination papers shall be identified only by numbers and shall be anonymously graded. After review and approval by the board, all examination results shall be recorded, and each examinee's examination results shall be sent to ~~him~~ SUCH EXAMINEE by first-class mail. The board shall ensure that the passing score on surveying examinations shall be set to measure the level of minimum competency. The board shall publish and make available to interested applicants a list of the subjects included in the surveying examinations which are developed by the board, such subjects being consistent with and related to the various aspects of surveying.

SECTION 26. 12-25-208, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-25-208. Disciplinary actions - grounds for discipline. (1) The board has the power to deny, suspend, revoke, or refuse to renew the license and certificate of registration of, or place on probation, limit the scope of practice of, or require additional training of any professional land surveyor or ~~surveyor-in-training~~ LAND SURVEYOR-INTERN who is found guilty of:

(a) ~~The practice of any~~ ENGAGING IN fraud, misrepresentation, or deceit in obtaining or attempting to obtain a license and certificate of registration or enrollment;

(b) ~~Any act or omission that fails~~ FAILING to meet the generally accepted standards of the practice of land surveying THROUGH ACT OR OMISSION;

(c) ~~Conviction of or pleading guilty to~~ A felony that is related to the ability to practice land surveying. A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea for the purposes of any hearing under this part 2. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction.

(d) (Deleted by amendment, L. 88, p. 510, § 18, effective July 1, 1988.)

(e) ~~Violation of~~ VIOLATING, attempting to violate, or aiding or abetting in the violation or attempted violation of: ~~the provisions:~~

(I) ANY PROVISION of this part 2 OR ARTICLE 50, 51, 52, OR 53 OF TITLE 38, C.R.S.;

(II) Any rule or regulation adopted by the board in conformance with the provisions of this part 2; or

(III) Any order of the board issued in conformance with the provisions of this part 2; ~~or article 50, 51, 52, or 53 of title 38, C.R.S.~~

(f) ~~Use of~~ USING false, deceptive, or misleading advertising;

(g) Performing services beyond one's competency, training, or education;

(h) ~~Failure~~ FAILING to report to the board any registered professional land surveyor known to have violated any provision of this part 2 or any board order or rule or regulation;

(i) ~~Habitual intemperance with respect to or excessive use of any habit-forming drug, as defined in section 12-22-102 (13), any controlled substance, as defined in section 12-22-303 (7), or any alcoholic beverage~~ BEING ADDICTED TO OR DEPENDENT UPON ALCOHOL OR ANY HABIT-FORMING DRUGS OR CONTROLLED SUBSTANCES AS DEFINED IN SECTION 18-18-102 (5), C.R.S.;

(j) ~~Any use of a~~ USING ANY schedule I controlled substance, as set forth in section 18-18-203, C.R.S.; ~~or~~

(k) ~~Failure~~ FAILING to report to the board any malpractice claim against such registered professional land surveyor or any ~~firm~~, partnership, LIMITED LIABILITY COMPANY, corporation, or joint stock association of which ~~he~~ SUCH REGISTRANT is a member, that is settled or in which judgment is rendered, within sixty days of the effective date of such settlement or judgment, if such claim concerned surveying services performed or supervised by such land surveyor;

(l) FAILING TO PAY ANY FINE ASSESSED PURSUANT TO THIS ARTICLE; OR

(m) VIOLATING ANY LAW OR REGULATION GOVERNING THE PRACTICE OF PROFESSIONAL LAND SURVEYING IN ANOTHER STATE OR JURISDICTION. A PLEA OF NOLO CONTENDERE OR ITS EQUIVALENT ACCEPTED BY THE BOARD OF ANOTHER STATE OR JURISDICTION MAY BE CONSIDERED TO BE THE SAME AS A FINDING OF GUILTY FOR PURPOSES OF ANY HEARING UNDER THIS PART 2.

(2) The board may issue a letter of admonition to a professional land surveyor or ~~surveyor-in-training~~ LAND SURVEYOR-INTERN based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-209 (4). Such letter shall be sent to the ~~licensee~~ REGISTRANT by certified mail and shall advise ~~him that he may~~ SUCH REGISTRANT OF THE RIGHT TO, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-209 in order to formally adjudicate the conduct or acts on which the letter was based.

(3) ~~Any disciplinary action concerning licensure or enrollment in another state or jurisdiction on grounds substantially similar to those that would constitute a violation~~

~~under this part 2 shall be prima facie evidence of grounds for disciplinary action, including denial of licensure, under this part 2.~~

(4) (a) IN ADDITION TO ANY OTHER PENALTY WHICH MAY BE IMPOSED PURSUANT TO THIS SECTION, ANY REGISTRANT VIOLATING ANY PROVISION OF THIS ARTICLE OR ANY RULE OR REGULATION PROMULGATED PURSUANT TO THIS ARTICLE MAY BE FINED FOR EACH VIOLATION PROVEN BY THE BOARD AS FOLLOWS:

(I) IN THE FIRST ADMINISTRATIVE PROCEEDING AGAINST A REGISTRANT, A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS;

(II) IN ANY SUBSEQUENT ADMINISTRATIVE PROCEEDING AGAINST A REGISTRANT DETERMINING THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS.

(b) ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (4) SHALL BE CREDITED TO THE GENERAL FUND.

SECTION 27. 12-25-209 (1) and (8), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-209. Disciplinary proceedings - injunctive relief procedure. (1) The board upon its own motion may, and upon the receipt of a signed complaint in writing from any person shall, investigate the activities of any professional land surveyor, ~~surveyor-in-training~~ LAND SURVEYOR-INTERN, or other person who presents grounds for disciplinary action as specified in this part 2.

(8) (a) The board is authorized to apply for injunctive relief, in the manner provided by the Colorado rules of civil procedure, to enforce the provisions of this part 2, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the board, its staff, and the attorney general shall not be held personally liable ~~under this~~ IN ANY SUCH proceeding.

(b) (I) IF THE BOARD HAS REASON TO BELIEVE THAT ANY INDIVIDUAL HAS ENGAGED IN, OR IS ENGAGING IN, ANY ACT OR PRACTICE WHICH CONSTITUTES A VIOLATION OF ANY PROVISION OF THIS ARTICLE, THE BOARD MAY INITIATE PROCEEDINGS TO DETERMINE IF SUCH A VIOLATION HAS OCCURRED. HEARINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S.

(II) (A) AFTER NOTICE AND A HEARING AND IF THERE IS A FINDING BY A MAJORITY OF THE BOARD THAT A VIOLATION OF ANY PROVISION OF THIS ARTICLE HAS OCCURRED, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST ANY SUCH ACTIVITY FOUND TO BE IN VIOLATION OF THIS ARTICLE.

(B) A COPY OF THE CEASE AND DESIST ORDER SHALL BE FURNISHED TO ALL PARTIES.

(c) IN ANY ACTION BROUGHT PURSUANT TO THIS SUBSECTION (8), EVIDENCE OF THE

COMMISSION OF A SINGLE ACT PROHIBITED BY THIS ARTICLE SHALL BE SUFFICIENT TO JUSTIFY THE ISSUANCE OF AN INJUNCTION OR A CEASE AND DESIST ORDER.

SECTION 28. 12-25-210 (1) and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-210. Application for licensing and registration or certification.

(1) Each application for licensing and registration or certification shall be on a form furnished by the board and shall contain statements made under oath showing the applicant's education and showing a detailed summary of ~~his~~ SUCH APPLICANT'S surveying experience. Each application shall contain a statement indicating whether or not the applicant has ever been convicted of a felony in this or in any other state, or has ever had a surveyor's license or registration revoked, suspended, or not renewed, or has been reprimanded or fined relative to surveying in this or any other state. Applications which are not complete shall be deemed defective, and the board shall take no action on defective applications except to give notice to the applicant of the defects. A nonrefundable application fee in an amount set by the board shall accompany each application.

(4) No ~~person~~ INDIVIDUAL whose license has been revoked shall be allowed to reapply for licensure or enrollment earlier than two years after the effective date of the revocation.

SECTION 29. 12-25-211, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-211. Eligibility for land surveyor-intern. To be eligible for certification as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERM, an applicant shall provide documentation of ~~his~~ SUCH APPLICANT'S technical competence.

SECTION 30. 12-25-212, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-212. Qualifications for land surveyor-interns. (1) (a) An applicant may qualify for certification as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERM by ~~comity~~ ENDORSEMENT if ~~he~~ SUCH APPLICANT is enrolled in good standing in another jurisdiction requiring qualifications substantially equivalent to those currently required of applicants under this part 2 or if, at the time of initial enrollment in such jurisdiction, ~~he~~ SUCH APPLICANT met the requirements for enrollment then in existence under Colorado law.

(b) Upon completion of the application and approval by the board, the applicant shall be certified as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERM if the applicant is otherwise qualified pursuant to section 12-25-211.

(2) (a) An applicant may qualify for certification as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERM by ~~education, experience,~~ GRADUATION and examination if ~~he~~ SUCH APPLICANT passes the fundamentals of surveying examination.

(b) In order to be admitted to ~~such~~ THE EXAMINATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), the applicant must HAVE GRADUATED FROM A FOUR-YEAR

BOARD-APPROVED SURVEYING CURRICULUM.

~~(f) Have graduated from high school or the equivalent; and~~

~~(H) Have a cumulative record of two years or more of progressive land surveying experience, of which a maximum of one year of educational credit may be substituted.~~

~~(b) (c) Upon passing the examination and the submission of evidence of experience satisfactory to the board, the applicant shall be certified as a surveyor-in-training LAND SURVEYOR-INTERM if the applicant is otherwise qualified pursuant to section 12-25-211.~~

(3) (a) AN APPLICANT MAY QUALIFY FOR ENROLLMENT AS A LAND SURVEYOR-INTERM BY EDUCATION, EXPERIENCE, AND EXAMINATION IF SUCH APPLICANT PASSES THE FUNDAMENTALS OF SURVEYING EXAMINATION.

(b) IN ORDER TO BE ADMITTED TO THE EXAMINATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE APPLICANT MUST:

(I) HAVE GRADUATED FROM HIGH SCHOOL OR THE EQUIVALENT; AND

(II) HAVE A CUMULATIVE RECORD OF TWO YEARS OR MORE OF PROGRESSIVE LAND SURVEYING EXPERIENCE, OF WHICH A MAXIMUM OF ONE YEAR OF EDUCATIONAL CREDIT MAY BE SUBSTITUTED.

(c) UPON PASSING THE EXAMINATION AND THE SUBMISSION OF EVIDENCE OF EXPERIENCE SATISFACTORY TO THE BOARD, THE APPLICANT SHALL BE CERTIFIED AS A LAND SURVEYOR-INTERM IF THE APPLICANT IS OTHERWISE QUALIFIED PURSUANT TO SECTION 12-25-211.

SECTION 31. 12-25-213, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-213. Eligibility for professional land surveyor. To be eligible for licensing and registration as a professional land surveyor, an applicant shall provide documentation of his technical competence.

SECTION 32. 12-25-214, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-214. Qualifications for professional land surveyor. (1) (a) An applicant may qualify for licensing and registration as a professional land surveyor by ~~comity~~ ENDORSEMENT and examination if ~~he~~ SUCH APPLICANT passes the required examination or examinations ~~on the legal aspects of surveying~~ PERTAINING TO COLORADO LAW.

(b) In order to be admitted to ~~any such~~ THE examination PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), the applicant must be licensed in good standing in another jurisdiction requiring qualifications substantially equivalent to those currently required of applicants under this part 2 or, at the time of initial licensure in such jurisdiction, have met the requirements for licensure then in existence under Colorado

law.

~~(b)~~ (c) Upon passing the examination, the applicant shall be licensed and registered as a professional land surveyor if the applicant is otherwise qualified pursuant to section 12-25-213.

(2) (a) An applicant may qualify for licensing and registration as a professional land surveyor by education, experience, and examination if ~~he~~ SUCH APPLICANT passes the principle and practice of surveying examination and the ~~legal aspects of surveying~~ examination PERTAINING TO COLORADO LAW.

(b) ~~In order~~ To be admitted to ~~such examinations~~ AN EXAMINATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), the applicant must:

(I) (A) Have graduated from ~~high school or its equivalent~~ A BOARD-APPROVED SURVEYING CURRICULUM OF FOUR OR MORE YEARS; and

(B) Have ~~six~~ TWO years of progressive land surveying experience ~~of which educational study may be a part and of which two years were~~ under the supervision of a professional land surveyor or an exempted federal employee ~~as determined pursuant to~~ DEFINED IN section 12-25-203 (1) (b); and

(C) Have been certified as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERM in this state; ~~and~~ OR

(D) Repealed, L. 88, p. 519, § 34, effective July 1, 1988.

(II) (A) Have graduated from a ~~board-approved~~ NONBOARD-APPROVED surveying curriculum of four or more years; and

(B) Have ~~two~~ FOUR years of progressive land surveying experience OF WHICH AT LEAST TWO MUST BE under the supervision of a professional land surveyor or an exempted federal employee ~~as determined pursuant to~~ DEFINED IN section 12-25-203 (1) (b); and

(C) Have been certified as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERM in this state; ~~and~~ OR

(D) Repealed, L. 88, p. 519, § 34, effective July 1, 1988.

(III) (A) HAVE GRADUATED FROM A BOARD-APPROVED TWO YEAR SURVEYING CURRICULUM OR FROM A FOUR-YEAR ENGINEERING CURRICULUM WHICH INCLUDED THE EQUIVALENT OF TWENTY-FOUR SEMESTER HOURS IN SURVEYING COURSEWORK AS APPROVED BY THE BOARD; AND

(B) HAVE SIX YEARS OF PROGRESSIVE LAND SURVEYING EXPERIENCE OF WHICH FOUR YEARS SHALL HAVE BEEN UNDER THE SUPERVISION OF A PROFESSIONAL LAND SURVEYOR OR AN EXEMPT FEDERAL EMPLOYEE AS DEFINED UNDER 12-25-203 (1) (b); AND

(C) HAVE BEEN ENROLLED AS A LAND SURVEYOR-INTERM IN THIS STATE.

~~(b)~~ (c) Upon passing the examinations and the submission of evidence of experience satisfactory to the board, the applicant shall be licensed and registered as a professional land surveyor if ~~the~~ SUCH applicant is otherwise qualified pursuant to section 12-25-213.

(3) The board may allow an applicant to substitute for one year of experience the satisfactory completion of one academic year in a curriculum approved by the board. The substitution of education for experience shall not exceed three years.

(4) (a) AN APPLICANT MAY QUALIFY FOR LICENSURE AS A PROFESSIONAL LAND SURVEYOR BY EXPERIENCE AND EXAMINATION IF SUCH APPLICANT PASSES THE PRINCIPLES AND PRACTICE OF LAND SURVEYING EXAMINATION AND THE EXAMINATION PERTAINING TO COLORADO LAW.

(b) IN ORDER TO BE ADMITTED TO AN EXAMINATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THE APPLICANT MUST:

(I) HAVE GRADUATED FROM HIGH SCHOOL OR ITS EQUIVALENT;

(II) HAVE TEN YEARS OF PROGRESSIVE LAND SURVEYING EXPERIENCE OF WHICH AT LEAST SIX YEARS MUST HAVE BEEN UNDER THE SUPERVISION OF A PROFESSIONAL LAND SURVEYOR OR AN EXEMPTED FEDERAL EMPLOYEE AS DEFINED IN SECTION 12-25-203 (1) (b); AND

(III) HAVE BEEN ENROLLED AS A LAND SURVEYOR-INTERM IN THIS STATE.

(c) UPON PASSAGE OF THE EXAMINATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THE APPLICANT SHALL BE LICENSED AND REGISTERED AS A PROFESSIONAL LAND SURVEYOR IF SUCH APPLICANT IS OTHERWISE QUALIFIED PURSUANT TO SECTION 12-25-213.

(d) THE BOARD MAY ALLOW AN APPLICANT TO SUBSTITUTE FOR ONE YEAR OF EXPERIENCE THE SATISFACTORY COMPLETION OF ONE ACADEMIC YEAR IN A CURRICULUM APPROVED BY THE BOARD. THE SUBSTITUTION OF EDUCATION FOR EXPERIENCE SHALL NOT EXCEED THREE YEARS.

(5) (a) A PROFESSIONAL LAND SURVEYOR WHO HAS BEEN DULY REGISTERED AND LICENSED TO PRACTICE PROFESSIONAL LAND SURVEYING IN THIS STATE AND WHO IS OVER SIXTY-FIVE YEARS OF AGE, UPON APPLICATION, MAY BE CLASSIFIED AS A RETIRED PROFESSIONAL LAND SURVEYOR. INDIVIDUALS WHO ARE SO CLASSIFIED SHALL LOSE THEIR REGISTRATION AND SHALL NOT PRACTICE PROFESSIONAL LAND SURVEYING AND SHALL PAY A FEE TO RETAIN RETIRED PROFESSIONAL LAND SURVEYOR STATUS.

(b) (I) A RETIRED PROFESSIONAL LAND SURVEYOR SHALL BE REINSTATED TO THE STATUS OF A PROFESSIONAL LAND SURVEYOR UPON PAYMENT OF THE RENEWAL REGISTRATION FEE. NO OTHER FEE SHALL BE ASSESSED AGAINST SUCH RETIRED PROFESSIONAL LAND SURVEYOR AS A PENALTY.

(II) FOR ANY PROFESSIONAL LAND SURVEYOR WHO HAS BEEN RETIRED FOR TWO OR MORE YEARS, THE BOARD MAY REQUIRE REEXAMINATION OR RECERTIFICATION,

UNLESS THE BOARD IS SATISFIED OF SUCH RETIRED PROFESSIONAL LAND SURVEYOR'S CONTINUED COMPETENCE.

(6) THIS SECTION, AS AMENDED, IS EFFECTIVE JANUARY 1, 1995.

SECTION 33. 12-25-215 (2) and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-215. Licenses - certificates. (2) The board, upon acceptance of a qualified ~~surveyor-in-training~~ LAND SURVEYOR-INTERN and upon receipt of payment of the required fee, shall certify ~~and issue a numbered surveyor-in-training certificate to said~~ ~~certificat~~ QUALIFIED LAND SURVEYOR-INTERN.

(4) The license of any professional land surveyor who fails to pay the license renewal fee shall expire. An expired license may be renewed within two years after expiration upon payment of all fees in arrears and, after two years, in addition to the payment of all fees, the board may require reexamination or recertification, unless the professional land surveyor has maintained an active land surveying practice in another jurisdiction or otherwise satisfies the board of ~~his~~ SUCH PROFESSIONAL LAND SURVEYOR'S continued competence.

SECTION 34. 12-25-216 (1) (a) (III) and (1) (b), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-25-216. Fees - disposition. (1) Pursuant to section 24-34-105, C.R.S., the board shall charge and collect fees for the following:

(a) With respect to professional land surveyors:

(III) Application for registration by ~~comity~~ ENDORSEMENT and examination;

(b) With respect to ~~surveyors-in-training~~ LAND SURVEYOR-INTERNS:

(I) ~~Issuance of a certificate~~ CERTIFICATION as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERN;

(II) ~~Replacement of a certificate;~~

(III) Application for the fundamentals of surveying examination;

(IV) Reexamination for the fundamentals of surveying examination;

(V) Application for certification as a ~~surveyor-in-training~~ LAND SURVEYOR-INTERN by ~~comity~~ ENDORSEMENT.

SECTION 35. 12-25-217 (3), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-217. Professional land surveying seals. (3) The seal and signature shall be used by a PROFESSIONAL land surveyor only when the work being stamped was under ~~the~~ SUCH PROFESSIONAL land surveyor's ~~direction and control~~ RESPONSIBLE

CHARGE.

SECTION 36. 12-25-218, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-25-218. Immunity in professional review. Any member of the board, its staff, ~~or any witnesses~~ ANY INDIVIDUAL ACTING AS A CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED BY THIS ARTICLE, OR ANY INDIVIDUAL WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE shall be immune from criminal liability and from suit in any civil action brought by any person based upon an action of the board, if such BOARD member, staff person, ~~or~~ CONSULTANT, witness, OR COMPLAINANT acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which ~~he~~ SUCHBOARDMEMBER, STAFFPERSON, CONSULTANT, WITNESS, OR COMPLAINANT acts, and acts in the reasonable belief that the action taken ~~by him~~ is warranted by the facts. The immunity provided shall also extend to any person participating in good faith in any investigative proceeding pursuant to this part 2.

SECTION 37. 18-4-508 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

18-4-508. Defacing, destroying, or removing landmarks, monuments, or accessories. (2) Any person who knowingly removes or knowingly causes to be removed any public land survey monument, as defined by section ~~38-53-102 (7)~~ 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., or a restoration of any such monument or who knowingly removes or knowingly causes to be removed any bearing tree knowing such is a bearing tree or other accessory, as defined by section ~~38-53-102 (1)~~ 38-53-103 (1), C.R.S., even if said person has title to the land on which said monument or accessory is located, commits a class 2 misdemeanor unless, prior to such removal, said person has caused a Colorado professional land surveyor to establish at least two witness corners or reference marks for each such monument or accessory removed and has filed or caused to be filed a monument record pursuant to article 53 of title 38, C.R.S.

SECTION 38. 24-34-104 (23) (b), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (23) (b) ~~The following board in the department of regulatory agencies shall terminate on July 1, 1994. The state board of registration for professional engineers and professional land surveyors, created by part 1 of article 25 of title 12, C.R.S.~~

SECTION 39. 24-34-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (34) THE FOLLOWING BOARD SHALL TERMINATE ON JULY 1, 2004: THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS IN THE DEPARTMENT OF REGULATORY AGENCIES, CREATED BY PART 1 OF ARTICLE 25 OF TITLE 12, C.R.S.

SECTION 40. 30-10-903 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-10-903. Duties and powers of the county surveyor. (1) The duties of the county surveyor are:

(a) To represent the county in boundary disputes pursuant to sections 30-6-110 and ~~38-50-107, C.R.S.~~ 30-10-906;

SECTION 41. 30-10-905 (4), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-10-905. Remuneration - expenses. (4) Except as provided in section ~~38-50-107, C.R.S.~~ 30-10-906, no county surveyor nor any of his deputies shall accept any remuneration other than that provided by the board of county commissioners for the performance of any act required as part of his official duties.

SECTION 42. Part 9 of article 10 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

30-10-906. Disputed boundaries - notice - establishment of legal corner monument. (1) WHENEVER THE PROPER LOCATION OF ANY SECTION CORNER OR QUARTER SECTION CORNER IS IN DISPUTE, A CORNER MONUMENT SHALL BE ESTABLISHED BY THE COUNTY SURVEYOR FOR THE COUNTY IN WHICH SUCH CORNER IS LOCATED PURSUANT TO THIS SECTION.

(2) (a) UPON RECEIPT OF AN APPLICATION FROM ANY PARTY IN INTEREST AND THE FEE REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION AND SUBSEQUENT TO GIVING NOTICE AS REQUIRED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), THE COUNTY SURVEYOR SHALL GATHER EVIDENCE AND CONDUCT ANY NECESSARY SURVEYS TO ESTABLISH THE LOCATION OF A MONUMENT.

(b) WITHIN TWO WEEKS OF RECEIPT OF AN APPLICATION AND FEE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE COUNTY SURVEYOR SHALL GIVE NOTICE INCLUDING THE DATE WHEN SUCH SURVEYOR WILL BE IN THE VICINITY OF THE DISPUTED CORNER IN THE FOLLOWING MANNER:

(I) FOR PARTIES WHOSE PROPERTY RIGHTS MIGHT BE AFFECTED BY THE ESTABLISHMENT OF THE LOCATION OF A MONUMENT, BY WRITTEN NOTICE;

(II) FOR PARTIES TO WHOM WRITTEN NOTICE CANNOT BE GIVEN BECAUSE OF AN INCORRECT ADDRESS OR BECAUSE THERE ARE MORE THAN FIFTY KNOWN AFFECTED LANDOWNERS, BY PUBLISHING FOR FOUR CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE APPLICABLE COUNTY OR, IF THERE IS NO NEWSPAPER PUBLISHED IN SUCH COUNTY, IN SOME NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE NEAREST COUNTY;

(III) FOR ALL PROFESSIONAL LAND SURVEYORS WHO HAVE FILED A MONUMENT RECORD ON THE DISPUTED CORNER OR ON ANY ALIQUOT CORNER WITHIN ONE MILE THEREOF AND ALL PROFESSIONAL LAND SURVEYORS KNOWN TO HAVE PERFORMED LAND SURVEYS IN THE VICINITY OF THE DISPUTED CORNER, BY WRITTEN NOTICE TO

THE EXTENT PRACTICABLE.

(3) (a) ON THE DATE GIVEN IN THE NOTICES PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE COUNTY SURVEYOR SHALL PROCEED TO ESTABLISH THE CORNER MONUMENT IN ACCORDANCE WITH SECTION 38-51-103, C.R.S., AND WITH THE FIELD NOTES OF ORIGINAL SURVEYS MADE BY THE UNITED STATES BY FIRMLY PLANTING A MONUMENT AT THE POINTS FOUND. THE COUNTY SURVEYOR SHALL ACCURATELY TAKE AND NOTE COURSES AND DISTANCES FROM SUCH ESTABLISHED MONUMENT TO ONE OR MORE PROMINENT OBJECTS OF A PERMANENT NATURE IF THERE ARE ANY IN THE VICINITY AND MAKE A PLAT OR MAP OF THE SURVEY.

(b) THE COUNTY SURVEYOR SHALL RECORD THE SURVEY AND A STATEMENT OF THE PROCEEDINGS, INCLUDING THE APPLICATION, NOTICE, AND NAMES OF THE PARTIES IN INTEREST, IN THE RECORDS OF THE OFFICE OF THE COUNTY SURVEYOR.

(c) ANY CORNER MONUMENT ESTABLISHED PURSUANT TO THIS SECTION SHALL BE THE TRUE AND LEGAL MONUMENT DEFINING THE BOUNDARY CORNER AS STATED IN THE RECORD OF THE SURVEY.

(4) (a) THE REASONABLE FEES AND EXPENSES INCURRED BY THE COUNTY SURVEYOR IN ESTABLISHING A CORNER SHALL BE PAID BY THE PARTY APPLYING THEREFOR.

(b) AT THE TIME THE APPLICATION IS FILED, THE COUNTY SURVEYOR SHALL ESTIMATE THE PROBABLE FEES AND EXPENSES TO BE INCURRED IN ESTABLISHING THE CORNER AND SHALL COLLECT THAT AMOUNT FROM THE APPLICANT.

(c) AFTER THE CORNER HAS BEEN ESTABLISHED, IF THE ESTIMATED AMOUNT EXCEEDS THE ACTUAL FEES AND EXPENSES, THE EXCESS SHALL BE REFUNDED. IF THE FEES AND EXPENSES EXCEED THE ESTIMATED AMOUNT, THE APPLICANT SHALL PAY THE DIFFERENCE TO THE COUNTY SURVEYOR.

30-10-907. County surveyor to administer oaths. COUNTY SURVEYORS SHALL HAVE THE AUTHORITY TO ADMINISTER AN OATH OR AFFIRMATION TO DEPUTIES AND ASSISTANTS ACTING UNDER THEM FAITHFULLY AND IMPARTIALLY TO DISCHARGE THEIR DUTIES AS DEPUTIES AND ASSISTANTS.

SECTION 43. 30-28-302 (7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-28-302. Definitions. (7) "Subdivision exemption plat" or "exemption plat" means a subdivision plat which depicts a division of land or the creation of an interest in property for which the board of county commissioners has granted an exemption from subdivision regulations pursuant to section 30-28-101 (10) (d), and which is suitable for recording pursuant to section ~~38-51-102~~ 38-51-105, C.R.S.

SECTION 44. 38-33.3-103 (22.5), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-33.3-103. Definitions. (22.5) "Plat" means that part of a declaration that is a land survey plat as set forth in section ~~38-51-102~~ 38-51-105, depicts all or any

portion of a common interest community in two dimensions, is executed by a person that is authorized by this title to execute a declaration relating to the common interest community, and is recorded in the real estate records in every county in which any portion of the common interest community is located. A plat and a map may be combined in one instrument.

SECTION 45. The introductory portion to 38-33.3-209 (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-33.3-209. Plats and maps. (2) In addition to meeting the requirements of a land survey plat as set forth in section ~~38-51-102~~ 38-51-105, each plat must show:

SECTION 46. Article 50 of title 38, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 50

Survey Plats and Monument Records - General Provisions

38-50-101. Survey plat - records file and index system - informational purpose. (1) SURVEY PLATS REQUIRED PURSUANT TO SECTION 38-51-107 AND THIS SECTION SHALL:

(a) COMPLY WITH SECTION 38-51-106;

(b) DEPENDING ON THE LOCATION OF THE LAND, CONTAIN THE FOLLOWING INFORMATION IN THE TITLE BLOCK:

(I) FOR PARCELS OF LAND LOCATED WITHIN THE UNITED STATES RECTANGULAR SURVEY SYSTEM, THE SECTION, TOWNSHIP, RANGE, AND PRINCIPAL MERIDIAN; OR

(II) FOR GRANTS AND UNSURVEYED PARCELS OF LAND, INFORMATION RELATING TO THE SYSTEM OF INDEXING THE COUNTY ASSESSOR ALREADY HAS IN PLACE;

(c) WITHIN SIX MONTHS AFTER THE DATE THE MONUMENT IS ACCEPTED IN THE FIELD OR IS SET BY A PROFESSIONAL LAND SURVEYOR, BE DEPOSITED WITH THE PUBLIC OFFICE DESIGNATED BY THE COUNTY COMMISSIONERS.

(2) (a) (I) THE COUNTY COMMISSIONERS OF EACH COUNTY SHALL DESIGNATE THE COUNTY SURVEYOR TO CREATE AND MAINTAIN A SURVEY PLAT RECORDS FILE AND INDEX SYSTEM FOR PLATS.

(II) IF A COUNTY SURVEYOR HAS NOT BEEN ELECTED OR APPOINTED OR IF THE OFFICE IS VACANT, ANOTHER COUNTY OFFICIAL SHALL BE DESIGNATED TO CREATE AND MAINTAIN SUCH FILE AND INDEX SYSTEM.

(III) IF THE COUNTY SURVEYOR IS UNABLE TO INDEX IN A TIMELY MANNER, THE COUNTY SURVEYOR MAY DESIGNATE ANOTHER COUNTY OFFICIAL TO DO SUCH INDEXING.

(b) (I) EACH PLAT DEPOSITED WITH THE COUNTY SHALL BE GIVEN A RECEPTION NUMBER OR A BOOK AND PAGE NUMBER, OR BOTH, WHICH SHALL BE SET FORTH ON THE PLAT.

(II) (A) SURVEYED LANDS LOCATED WITHIN THE UNITED STATES RECTANGULAR SURVEY SYSTEM SHALL BE INDEXED BY SECTION, TOWNSHIP, RANGE, AND PRINCIPAL MERIDIAN.

(B) GRANT LANDS AND UNSURVEYED LANDS SHALL BE INDEXED BY THE SYSTEM OF INDEXING THE COUNTY ASSESSOR ALREADY HAS IN PLACE.

(III) SURVEY PLATS SUBMITTED FOR DEPOSITING SHALL BE INDEXED IN A TIMELY MANNER, BUT NOT MORE THAN TEN WORKING DAYS AFTER THE DATE THE SURVEY PLAT IS DEPOSITED.

(3) (a) EACH PLAT SUBMITTED FOR DEPOSITING SHALL:

(I) BEAR ORIGINAL SIGNATURES AND SEALS; AND

(II) BE MADE:

(A) FROM A DIMENSIONALLY STABLE POLYESTER SHEET SUCH AS CRONAR OR MYLAR OR OTHER PRODUCT OF EQUAL QUALITY;

(B) AT LEAST THREE MILS THICK; AND

(C) WITH NONFADING PERMANENT PRINT.

(b) THE DIMENSIONS OF EACH PLAT, AS SPECIFIED BY COUNTY REQUIREMENTS, SHALL BE AT LEAST EIGHTEEN INCHES WIDE BY TWENTY-FOUR INCHES LONG AND NO MORE THAN TWENTY-FOUR INCHES WIDE BY THIRTY-SIX INCHES LONG WITH A MINIMUM TWO-INCH MARGIN ON THE LEFT SIDE AND A MINIMUM OF ONE-HALF INCH MARGINS AT THE TOP, BOTTOM, AND RIGHT SIDE OF THE PLAT.

(c) SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, A COUNTY MAY MAKE APERTURE CARDS OR FILM-PROCESSED COPIES CAPABLE OF LEGIBLE REPRODUCTION FROM POLYESTER SHEETS AS SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) FOR THE PURPOSE OF RECORDING.

(4) (a) THE FEE FOR DEPOSITING PLATS SHALL NOT EXCEED THE AMOUNT OF THE FEE COLLECTED FOR THE RECORDING OF SUBDIVISION PLATS ESTABLISHED IN SECTION 30-1-103 (2) (f), C.R.S.

(b) THE FEE FOR THE COUNTY SURVEYOR OR, IF A COUNTY SURVEYOR HAS NOT BEEN ELECTED OR APPOINTED OR IF THE OFFICE IS VACANT, ANOTHER COUNTY OFFICIAL TO INDEX AND MAINTAIN THE PLATS AS DESIGNATED BY THE COUNTY COMMISSIONERS SHALL NOT EXCEED THE AMOUNT OF THE FEE COLLECTED FOR THE RECORDING OF SUBDIVISION PLATS ESTABLISHED IN SECTION 30-1-103 (2) (f), C.R.S.

(c) THE FEES PROVIDED FOR BY THIS SUBSECTION (4) SHALL BE COLLECTED BY THE

PUBLIC OFFICE AT WHICH PLATS ARE DEPOSITED.

(5) (a) PLATS SHALL BE DEPOSITED IN ACCORDANCE WITH THIS SECTION FOR THE SOLE PURPOSE OF RECORDING INFORMATION ON SURVEYING MONUMENTATION IN ORDER TO PROVIDE SURVEY DATA FOR SUBSEQUENT LAND SURVEYS AND SHALL NOT BE CONSTRUED TO AFFECT, IN ANY MANNER WHATSOEVER, THE DESCRIPTION OF A SUBDIVISION, LINE, OR CORNER CONTAINED IN THE OFFICIAL PLATS AND FIELD NOTES FILED AND OF RECORD OR TO SUBDIVIDE PROPERTY.

(b) NO PLAT DEPOSITED IN ACCORDANCE WITH THIS SECTION SHALL CONSTITUTE NOTICE PURSUANT TO SECTION 38-35-109.

(c) SUBDIVISION PLATS WHICH CREATE PARCELS OF LAND OF THIRTY-FIVE ACRES OR MORE SHALL BE FILED IN THE COUNTY CLERK AND RECORDER'S OFFICE FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED PURSUANT TO SECTION 38-35-109.

38-50-102. Public records - original field notes, plats. (1) THE BOARD OF COUNTY COMMISSIONERS FOR EACH COUNTY IS AUTHORIZED TO EMPLOY SOME COMPETENT PERSON, AT THE EXPENSE OF THE COUNTY, TO MAKE COPIES OF THE ORIGINAL FIELD NOTES AND PLATS OF SURVEYS OF ALL LANDS SURVEYED OR TO BE SURVEYED AFTER MARCH 14, 1877, BY THE OFFICERS APPOINTED BY THE FEDERAL GOVERNMENT, WITHIN THEIR RESPECTIVE COUNTIES.

(2) THE BOARD OF COUNTY COMMISSIONERS SHALL:

(a) PROCURE BOOKS IN WHICH THE COPIES MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE MAINTAINED;

(b) OBTAIN STATIONERY; AND

(c) FIX THE COMPENSATION OF THE PERSON EMPLOYED TO PROCURE AND MAKE COPIES OF FIELD NOTES AND PLATS PURSUANT TO SUBSECTION (1) OF THIS SECTION WHETHER BY CONTRACT OR OTHERWISE WHICH SHALL BE PAID OUT OF THE COUNTY TREASURY IN THE SAME MANNER AS OTHER EXPENSES ARE PAID.

(3) (a) THE COPIES OF FIELD NOTES AND PLATS MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF THE PROPER COUNTY AND SHALL THEREAFTER BE A PART OF THE PUBLIC RECORDS OF SUCH COUNTY.

(b) RECORDS OR COPIES MADE AND MAINTAINED PURSUANT TO THIS SECTION, WHEN CERTIFIED BY THE COUNTY CLERK AND RECORDER, SHALL BE EVIDENCE IN ALL COURTS AND PLACES IN THIS STATE.

38-50-103. Public records - monument records. (1) THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, CREATED IN SECTION 12-25-106, C.R.S., SHALL EMPLOY PERSONNEL AT THE EXPENSE OF SUCH BOARD'S REGISTRANTS TO MAINTAIN A MONUMENT RECORD FILING SYSTEM FOR ALL MONUMENT RECORDS FILED IN ACCORDANCE WITH SECTION 38-53-104.

(2) (a) THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND

PROFESSIONAL LAND SURVEYORS SHALL TRANSMIT A COPY OF EACH MONUMENT RECORD ACCEPTED FOR FILING, WITHOUT FEE, TO THE COUNTY CLERK AND RECORDER FOR THE COUNTY IN WHICH THE MONUMENT IS LOCATED.

(b) EACH COUNTY CLERK AND RECORDER SHALL MAINTAIN COPIES OF MONUMENT RECORDS IN A FILE FURNISHED BY THE BOARD AND, UPON RECEIPT OF EACH SUCH MONUMENT RECORD, SHALL LIST IT IN A MASTER INDEX INCLUDED WITH EACH SUCH FILE.

(c) RECORDS MAINTAINED PURSUANT TO THIS SECTION SHALL BE OPEN TO PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS.

(3) CERTIFIED COPIES OF MONUMENT RECORDS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS SHALL BE EVIDENCE IN ALL COURTS AND PLACES IN THIS STATE.

(4) NO FEE SHALL BE CHARGED BY THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS FOR THE FILING OF MONUMENT RECORDS. THE COST OF MAINTAINING THE MONUMENT RECORD FILES SHALL BE RECOUPED AS PART OF THE RENEWAL FEE CHARGED TO REGISTRANTS. SUCH RENEWAL FEE SHALL BE CALCULATED TO COVER THE COSTS OF THE STAFF AND EQUIPMENT NECESSARY TO MAINTAIN THE MONUMENT RECORD FILING SYSTEM.

SECTION 47. Article 51 of title 38, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 51

Minimum Standards for Land Surveys and Plats

38-51-101. Applicability - state - county - local - persons. THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ALL AGENCIES OF STATE, COUNTY, AND LOCAL GOVERNMENT AS WELL AS TO INDIVIDUALS, CORPORATIONS, AND PARTNERSHIPS ENGAGED IN THE PRIVATE PRACTICE OF LAND SURVEYING. THIS ARTICLE SHALL NOT APPLY TO THE LOCATION OR RELOCATION OF MINING CLAIMS PURSUANT TO ARTICLE 43 OF TITLE 34, C.R.S.

38-51-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSORY" MEANS ANY PHYSICAL EVIDENCE IN THE VICINITY OF A SURVEY MONUMENT, THE RELATIVE LOCATION OF WHICH IS OF PUBLIC RECORD AND WHICH IS USED TO HELP PERPETUATE THE LOCATION OF THE MONUMENT. ACCESSORIES SHALL BE CONSTRUED TO INCLUDE THE ACCESSORIES RECORDED IN THE ORIGINAL SURVEY NOTES AND ADDITIONAL REFERENCE POINTS AND DIMENSIONS FURNISHED BY SUBSEQUENT LAND SURVEYORS OR ATTESTED TO IN WRITING BY PERSONS HAVING PERSONAL KNOWLEDGE OF THE ORIGINAL LOCATION OF THE MONUMENT.

(2) "ALIQUOT CORNER" MEANS ANY SECTION CORNER OR QUARTER SECTION CORNER AND ANY OTHER CORNER IN THE PUBLIC LAND SURVEY SYSTEM CREATED BY SUBDIVIDING LAND ACCORDING TO THE RULES OF PROCEDURE SET FORTH IN SECTION

38-51-103.

(3) "BENCH MARK" MEANS ANY RELATIVELY IMMOVABLE POINT ON THE EARTH WHOSE ELEVATION ABOVE OR BELOW AN ADOPTED DATUM IS KNOWN.

(4) "BLOCK" MEANS A PARCEL OF LAND WITHIN A PLATTED SUBDIVISION BOUNDED ON ALL SIDES BY STREETS OR AVENUES, OTHER PHYSICAL BOUNDARIES SUCH AS A BODY OF WATER, OR THE EXTERIOR BOUNDARY OF A PLATTED SUBDIVISION.

(5) "BOARD" MEANS THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, CREATED IN SECTION 12-25-106, C.R.S.

(6) "CONTROL CORNER" MEANS ANY LAND SURVEY MONUMENT THE POSITION OF WHICH CONTROLS THE LOCATION OF THE BOUNDARIES OF A TRACT OR PARCEL OF LAND.

(7) "EXEMPTION PLAT" OR "SUBDIVISION EXEMPTION PLAT" MEANS A SUBDIVISION PLAT WHICH INCLUDES ALL OF THE INFORMATION REQUIRED BY SECTION 38-51-106 AND WHICH DEPICTS A DIVISION OF LAND OR THE CREATION OF AN INTEREST IN PROPERTY FOR WHICH THE BOARD OF COUNTY COMMISSIONERS HAS GRANTED AN EXEMPTION FROM SUBDIVISION REGULATIONS PURSUANT TO SECTION 30-28-101 (10) (d), C.R.S.

(8) "IMPROVEMENT LOCATION CERTIFICATE" MEANS A REPRESENTATION OF THE BOUNDARIES OF A PARCEL OF LAND AND THE IMPROVEMENTS THEREON, PREPARED PURSUANT TO SECTION 38-51-108.

(9) "IMPROVEMENT SURVEY PLAT" MEANS A LAND SURVEY PLAT AS DEFINED IN SUBSECTION (12) OF THIS SECTION RESULTING FROM A MONUMENTED LAND SURVEY SHOWING THE LOCATION OF ALL STRUCTURES, VISIBLE UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL AND WITHIN FIVE FEET OF ALL BOUNDARIES OF SUCH PARCEL, ANY CONFLICTING BOUNDARY EVIDENCE OR VISIBLE ENCROACHMENTS, AND ALL EASEMENTS, UNDERGROUND UTILITIES, AND TUNNELS FOR WHICH PROPERLY RECORDED EVIDENCE IS AVAILABLE FROM THE COUNTY CLERK AND RECORDER, A TITLE INSURANCE COMPANY, OR OTHER SOURCES AS SPECIFIED ON THE IMPROVEMENT SURVEY PLAT.

(10) "IRREGULAR PARCEL" MEANS A PARCEL OF LAND WHICH IS NOT UNIQUELY DEFINED ON A SUBDIVISION PLAT BUT WHICH IS DESCRIBED BY ANY OF THE FOLLOWING METHODS:

- (a) A METES AND BOUNDS DESCRIPTION;
 - (b) A BOOK AND PAGE OR RECEPTION NUMBER REFERENCE;
 - (c) ANY SO-CALLED "ASSESSOR'S TRACT"; OR
 - (d) A DESCRIPTION WHICH CALLS ONLY FOR THE OWNER'S OR ADJOINER'S NAME.
- (11) "LAND SURVEY" MEANS A SERIES OF OBSERVATIONS AND MEASUREMENTS

MADE BY A PROFESSIONAL LAND SURVEYOR PURSUANT TO SECTIONS 38-51-103, 38-51-104, AND 38-51-105 FOR THE PURPOSE OF LOCATING OR RESTORING ANY REAL PROPERTY BOUNDARY.

(12) "LAND SURVEY PLAT" MEANS A PLAT WHICH SHOWS THE INFORMATION DEVELOPED BY A MONUMENTED LAND SURVEY AND INCLUDES ALL INFORMATION REQUIRED BY SECTION 38-51-106.

(13) "MONUMENTED LAND SURVEY" MEANS A LAND SURVEY IN WHICH MONUMENTS ARE EITHER FOUND OR SET PURSUANT TO SECTIONS 38-51-103, 38-51-104, AND 38-51-105 TO MARK THE BOUNDARIES OF A SPECIFIED PARCEL OF LAND.

(14) "MONUMENT RECORD" MEANS A WRITTEN AND ILLUSTRATED DOCUMENT DESCRIBING THE PHYSICAL APPEARANCE OF A BENCH MARK OR SURVEY MONUMENT AND ITS ACCESSORIES.

(15) "PLATTED SUBDIVISION" MEANS A GROUP OF LOTS, TRACTS, OR PARCELS OF LAND CREATED BY RECORDING A MAP WHICH MEETS THE REQUIREMENTS OF SECTION 38-51-106 AND WHICH SHOWS THE BOUNDARIES OF SUCH LOTS, TRACTS, OR PARCELS AND THE ORIGINAL PARCEL FROM WHICH THEY WERE CREATED.

(16) "PROFESSIONAL LAND SURVEYOR" MEANS A PERSON REGISTERED OR LICENSED PURSUANT TO PART 2 OF ARTICLE 25 OF TITLE 12, C.R.S.

(17) "PROPERTY DESCRIPTION" MEANS A WRITTEN, NARRATIVE DESCRIPTION, OF A PARCEL OF REAL PROPERTY OR AN EASEMENT FOR THE PURPOSE OF PERPETUATING LOCATION OF TITLE.

(18) "PUBLIC LAND SURVEY MONUMENT" MEANS ANY LAND BOUNDARY MONUMENT ESTABLISHED ON THE GROUND BY A CADASTRAL SURVEY OF THE UNITED STATES GOVERNMENT AND ANY MINERAL SURVEY MONUMENT ESTABLISHED BY A UNITED STATES MINERAL SURVEYOR AND MADE A PART OF THE UNITED STATES PUBLIC LAND RECORDS.

(19) "RESPONSIBLE CHARGE" MEANS CONTROL AND DIRECTION OF SURVEYING WORK.

(20) "SUBDIVISION PLAT" MEANS A MAP OF A PLATTED SUBDIVISION RECORDED FOR THE PURPOSE OF CREATING LAND PARCELS WHICH CAN BE IDENTIFIED UNIQUELY BY REFERENCE TO SUCH MAP.

38-51-103. Procedure for subdividing section. (1) WHENEVER A PROFESSIONAL LAND SURVEYOR CONDUCTS A SURVEY FOR THE PURPOSE OF LOCATING A PARCEL OF LAND WHICH IS DESCRIBED IN TERMS OF THE NOMENCLATURE OF THE PUBLIC LAND SURVEY SYSTEM, SUCH PROFESSIONAL LAND SURVEYOR SHALL PROCEED ACCORDING TO THE APPLICABLE RULES CONTAINED IN THE CURRENT "MANUAL OF INSTRUCTIONS FOR THE SURVEY OF THE PUBLIC LANDS OF THE UNITED STATES" PUBLISHED BY THE UNITED STATES GOVERNMENT PRINTING OFFICE; EXCEPT THAT ALL MONUMENTATION SHALL CONFORM TO SECTION 38-51-104.

(2) (a) A SECTION MAY BE SUBDIVIDED BY:

(I) SURVEYING ALL NECESSARY ALIQUOT LINES IN THE FIELD; OR

(II) COMPUTING THE LOCATION OF THE REQUIRED ALIQUOT CORNERS AFTER MAKING A FIELD SURVEY WHICH INCLUDES ALL REQUIRED CONTROL CORNERS OF THE SECTION.

(b) ANY SECTION SUBDIVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL INCLUDE ALL CONTROL CORNERS THAT WERE ORIGINALLY MONUMENTED BY THE UNITED STATES GOVERNMENT, WHICH MUST EITHER BE FOUND OR RESTORED IN THE FIELD ACCORDING TO THE STANDARDS SET FORTH IN SECTION 38-51-104.

(c) MONUMENT RECORDS SHALL BE FILED PURSUANT TO SECTION 38-53-104, DESCRIBING EACH SUCH CORNER.

(d) FOR ANY SECTION SUBDIVIDED PURSUANT TO THIS SUBSECTION (2) THE LOCATION OF ORIGINAL ALIQUOT CORNERS OF, AND PROCEDURES USED IN, THE GOVERNING OFFICIAL UNITED STATES GOVERNMENT SURVEY, WHERE APPLICABLE, SHALL TAKE PRECEDENCE.

38-51-104. Monumentation of land surveys. (1) (a) THE CORNERS OF LOTS, TRACTS, OTHER PARCELS OF LAND, ALIQUOT CORNERS NOT DESCRIBED IN SUBSECTION (4) OF THIS SECTION, AND ANY LINE POINTS OR REFERENCE POINTS WHICH ARE SET TO PERPETUATE THE LOCATION OF ANY LAND BOUNDARY OR EASEMENT SHALL, WHEN ESTABLISHED ON THE GROUND BY A LAND SURVEY, BE MARKED BY REASONABLY PERMANENT MARKERS SOLIDLY EMBEDDED IN THE GROUND.

(b) A DURABLE CAP BEARING THE REGISTRATION NUMBER OF THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE ESTABLISHMENT OF THE MONUMENT SHALL BE AFFIXED SECURELY TO THE TOP OF EACH SUCH MONUMENT EMBEDDED PURSUANT TO THIS SUBSECTION (1).

(2) IF THE POINTS DESIGNATED IN SUBSECTION (1) OF THIS SECTION FALL ON SOLID BEDROCK, CONCRETE, STONE CURBS, GUTTERS, OR WALKS, A DURABLE METAL DISK OR CAP SHALL BE SECURELY ANCHORED IN THE ROCK OR CONCRETE AND STAMPED WITH THE SURVEY POINT AND THE REGISTRATION NUMBER OF THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE ESTABLISHMENT OF THE MONUMENT OR MARKER.

(3) (a) IF THE MONUMENTS OR MARKERS REQUIRED BY SUBSECTION (1) OF THIS SECTION CANNOT PRACTICABLY BE SET BECAUSE OF STEEP TERRAIN, WATER, MARSH, OR EXISTING STRUCTURES, OR IF THEY WOULD BE LOST AS A RESULT OF PROPOSED STREET, ROAD, OR OTHER CONSTRUCTION, ONE OR MORE REFERENCE MONUMENTS SHALL BE SET.

(b) (I) THE LETTERS "RM" OR "WC" AND THE SURVEYOR'S REGISTRATION NUMBER SHALL BE AFFIXED TO THE MONUMENT.

(II) FOR PURPOSES OF THIS PARAGRAPH (b), "RM" MEANS REFERENCE MONUMENT AND "WC" MEANS WITNESS CORNER.

(c) REFERENCE MONUMENTS SHALL BE SET AS CLOSE AS PRACTICABLE TO THE TRUE CORNER AND SHALL MEET THE SAME PHYSICAL STANDARDS REQUIRED TO SET THE TRUE CORNER.

(d) IF ONLY ONE REFERENCE MONUMENT IS USED, SUCH REFERENCE MONUMENT SHALL BE SET ON THE ACTUAL BOUNDARY LINE OR A PROLONGATION THEREOF, OTHERWISE AT LEAST TWO REFERENCE MONUMENTS SHALL BE SET.

(4) FOR ANY MONUMENT REQUIRED BY THIS SECTION THAT MARKS THE LOCATION OF A SECTION CORNER, QUARTER SECTION CORNER, OR SIXTEENTH SECTION CORNER, SUCH MONUMENT SHALL MEET THE PHYSICAL STANDARDS SPECIFIED BY RULE AND REGULATION PROMULGATED BY THE BOARD PURSUANT TO SECTION 24-4-103, C.R.S.

(5) (a) THE TOP OF THE MONUMENT FOR ANY CORNER REQUIRED BY THIS SECTION WHICH IS WITHIN THE TRAFFIC AREA OF A PUBLICLY NAMED DEDICATED OR DEEDED STREET, ROAD, OR HIGHWAY SHALL BE PLACED ONE-HALF FOOT BELOW THE ROADWAY SURFACE.

(b) IF THE ROADWAY SURFACE IS PAVEMENT TWO INCHES THICK OR GREATER, THE MONUMENT SHALL INCLUDE A MONUMENT BOX THE TOP OF WHICH SHALL BE SET FLUSH WITH THE SURFACE OF THE PAVEMENT.

(6) NO MARKER REQUIRED BY THIS SECTION SHALL BEAR THE REGISTRATION NUMBER OF MORE THAN ONE PROFESSIONAL LAND SURVEYOR BUT MAY BEAR THE NAME OF AN INDIVIDUAL SURVEYOR OR SURVEYING FIRM IN ADDITION TO THE REQUIRED REGISTRATION NUMBER.

38-51-105. Monumentation of subdivisions. (1) (a) PRIOR TO RECORDING A PLAT, THE EXTERNAL BOUNDARIES OF ANY PLATTED SUBDIVISIONS SHALL BE MONUMENTED ON THE GROUND BY REASONABLY PERMANENT MONUMENTS SOLIDLY EMBEDDED IN THE GROUND.

(b) A DURABLE CAP BEARING THE REGISTRATION NUMBER OF THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE ESTABLISHMENT OF THE MONUMENT SHALL BE AFFIXED SECURELY TO THE TOP OF EACH SUCH MONUMENT EMBEDDED PURSUANT TO THIS SUBSECTION (1).

(c) MONUMENTS SHALL BE SET NO MORE THAN FOURTEEN HUNDRED FEET APART ALONG ANY STRAIGHT BOUNDARY LINE, AT ALL ANGLE POINTS, AT THE BEGINNING, END, AND POINTS OF CHANGE OF DIRECTION OR CHANGE OF RADIUS OF ANY CURVED BOUNDARIES DEFINED BY CIRCULAR ARCS, AND AT THE BEGINNING AND END OF ANY SPIRAL CURVE.

(2) THE PROFESSIONAL LAND SURVEYOR WHO PREPARES THE ORIGINAL SUBDIVISION PLAT, EXEMPTION PLAT, OR SUBDIVISION EXEMPTION PLAT SHALL PROVIDE EXTERNAL BOUNDARY MONUMENTS AS REQUIRED IN SUBSECTION (1) OF THIS SECTION.

(3) (a) BEFORE A SALES CONTRACT FOR ANY LOT, TRACT, OR PARCEL WITHIN A SUBDIVISION IS EXECUTED, ALL BOUNDARIES OF THE BLOCK WITHIN WHICH SUCH LOT, TRACT, OR PARCEL IS LOCATED SHALL BE MARKED WITH MONUMENTS IN ACCORDANCE

WITH SUBSECTION (1) OF THIS SECTION.

(b) THE SELLER OF THE LOT, SECTION, OR PARCEL SHALL PROVIDE FOR THE SERVICES OF A PROFESSIONAL LAND SURVEYOR TO ESTABLISH BLOCK MONUMENTATION AND LOT MARKERS AS REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(4) (a) BLOCK MONUMENTATION MAY BE SET ON THE CENTER LINES OF STREETS OR ON OFFSET LINES FROM SUCH STREETS AS DESIGNATED ON THE RECORDED PLAT.

(b) THE CORNERS OF ANY LOT, TRACT, OR PARCEL SOLD SEPARATELY SHALL BE MARKED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE SALES CONTRACT.

(c) FOR ANY STRUCTURE TO BE BUILT ON A LOT, TRACT, OR PARCEL BEFORE THE CORNERS HAVE BEEN MARKED PURSUANT TO THIS SECTION, THE SELLER OF SUCH LOT, TRACT, OR PARCEL SHALL RETAIN A PROFESSIONAL LAND SURVEYOR TO ESTABLISH CONTROL LINES ON THE GROUND AS NECESSARY TO ASSURE THE PROPER LOCATION OF THE STRUCTURE.

(5) FOR ANY COMPLETE BLOCK SOLD AS A UNIT, IT SHALL BECOME THE RESPONSIBILITY OF THE SUBSEQUENT SELLER OF ANY SEPARATE LOT, TRACT, OR PARCEL WITHIN SUCH BLOCK TO RETAIN A PROFESSIONAL LAND SURVEYOR TO ESTABLISH LOT MARKERS AS REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(6) FOR ANY POINTS DESIGNATED IN SUBSECTION (1), (2), OR (3) OF THIS SECTION WHICH FALL ON SOLID BEDROCK, CONCRETE, STONE CURBS, GUTTERS, OR WALKS, A DURABLE METAL DISK OR CAP SHALL BE SECURELY ANCHORED IN THE ROCK OR CONCRETE AND STAMPED WITH THE SURVEY POINT AND THE REGISTRATION NUMBER OF THE PROFESSIONAL LAND SURVEYOR RESPONSIBLE FOR THE ESTABLISHMENT OF THE MONUMENT OR MARKER.

(7) (a) IF ANY MONUMENTS OR MARKERS REQUIRED BY SUBSECTION (1), (2), OR (3) OF THIS SECTION CANNOT PRACTICABLY BE SET BECAUSE OF STEEP TERRAIN, WATER, MARSH, OR EXISTING STRUCTURES, OR IF THEY WOULD BE LOST AS A RESULT OF PROPOSED STREET, ROAD, OR OTHER CONSTRUCTION, ONE OR MORE REFERENCE MONUMENTS SHALL BE SET.

(b) (I) THE LETTERS "RM" OR "WC" SHALL BE AFFIXED TO THE MONUMENT IN ADDITION TO THE SURVEYOR'S REGISTRATION NUMBER.

(II) FOR PURPOSES OF THIS PARAGRAPH (b), "RM" MEANS REFERENCE MONUMENT AND "WC" MEANS WITNESS CORNER.

(c) REFERENCE MONUMENTS SHALL BE SET AS CLOSE AS PRACTICABLE TO THE TRUE CORNER AND SHALL MEET THE SAME PHYSICAL STANDARDS REQUIRED TO SET THE TRUE CORNER.

(d) IF ONLY ONE REFERENCE MONUMENT IS USED SUCH REFERENCE MONUMENT SHALL BE SET ON THE ACTUAL BOUNDARY LINE OR A PROLONGATION THEREOF, OTHERWISE AT LEAST TWO REFERENCE MONUMENTS SHALL BE SET.

(8) FOR ANY MONUMENT REQUIRED BY THIS SECTION WHICH MARKS THE LOCATION OF A SECTION CORNER, QUARTER SECTION CORNER, OR SIXTEENTH SECTION CORNER, SUCH MONUMENT SHALL MEET THE PHYSICAL STANDARDS SPECIFIED BY RULE AND REGULATION PROMULGATED BY THE BOARD PURSUANT TO SECTION 24-4-103, C.R.S.

(9) (a) THE TOP OF THE MONUMENT FOR ANY CORNER REQUIRED BY THIS SECTION WHICH IS WITHIN THE TRAFFIC AREA OF A PUBLICLY NAMED DEDICATED OR DEEDED STREET, ROAD, OR HIGHWAY SHALL BE PLACED ONE-HALF FOOT BELOW THE ROADWAY SURFACE.

(b) IF THE ROADWAY SURFACE IS PAVEMENT TWO INCHES THICK OR GREATER, THE MONUMENT SHALL INCLUDE A MONUMENT BOX THE TOP OF WHICH SHALL BE SET FLUSH WITH THE SURFACE OF THE PAVEMENT.

(10) NO MARKER REQUIRED BY THIS SECTION SHALL BEAR THE REGISTRATION NUMBER OF MORE THAN ONE PROFESSIONAL LAND SURVEYOR BUT MAY BEAR THE NAME OF AN INDIVIDUAL SURVEYOR OR SURVEYING FIRM IN ADDITION TO THE REQUIRED REGISTRATION NUMBER.

38-51-106. Land survey plats. (1) ALL LAND SURVEY PLATS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING:

(a) A SCALE DRAWING OF THE BOUNDARIES OF THE LAND PARCEL;

(b) (I) ALL RECORDED AND APPARENT RIGHTS-OF-WAY AND EASEMENTS, AND, IF RESEARCH FOR RECORDED RIGHTS-OF-WAY AND EASEMENTS IS DONE BY SOMEONE OTHER THAN THE PROFESSIONAL LAND SURVEYOR WHO PREPARES THE PLAT, THE SOURCE FROM WHICH SUCH RECORDED RIGHTS-OF-WAY AND EASEMENTS WERE OBTAINED; OR

(II) IF THE CLIENT WISHES NOT TO SHOW RIGHTS-OF-WAY AND EASEMENTS ON THE LAND SURVEY PLAT, A STATEMENT THAT SUCH CLIENT DID NOT WANT RIGHTS-OF-WAY AND EASEMENTS SHOWN;

(c) ALL DIMENSIONS NECESSARY TO ESTABLISH THE BOUNDARIES IN THE FIELD;

(d) A STATEMENT BY THE PROFESSIONAL LAND SURVEYOR THAT THE SURVEY WAS PERFORMED BY SUCH SURVEYOR OR UNDER SUCH SURVEYOR'S RESPONSIBLE CHARGE;

(e) A STATEMENT BY THE PROFESSIONAL LAND SURVEYOR EXPLAINING HOW BEARINGS, IF USED, WERE DETERMINED;

(f) A DESCRIPTION OF ALL MONUMENTS, BOTH FOUND AND SET, WHICH MARK THE BOUNDARIES OF THE PROPERTY AND OF ALL CONTROL MONUMENTS USED IN CONDUCTING THE SURVEY;

(g) A STATEMENT OF THE SCALE OR REPRESENTATIVE FRACTION OF THE DRAWING, AND A BAR-TYPE OR GRAPHICAL SCALE;

(h) A NORTH ARROW;

(i) A WRITTEN PROPERTY DESCRIPTION, WHICH SHALL INCLUDE BUT SHALL NOT BE LIMITED TO A REFERENCE TO THE COUNTY AND STATE TOGETHER WITH THE SECTION, TOWNSHIP, RANGE, AND PRINCIPAL MERIDIAN OR ESTABLISHED SUBDIVISION, BLOCK AND LOT NUMBER, OR ANY OTHER METHOD OF DESCRIBING THE LAND AS ESTABLISHED BY THE GENERAL LAND OFFICE OR BUREAU OF LAND MANAGEMENT;

(j) THE SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR; AND

(k) ANY CONFLICTING BOUNDARY EVIDENCE.

38-51-107. Required plats. (1) EVERY PROFESSIONAL LAND SURVEYOR WHO ACCEPTS A MONUMENT WHILE PERFORMING A MONUMENTED LAND SURVEY SHALL PREPARE A PLAT IF SUCH MONUMENT IS NOT OF RECORD EITHER IN THE CLERK AND RECORDER'S OFFICE OF THE COUNTY IN WHICH THE MONUMENT LIES OR IN THE PUBLIC OFFICE DESIGNATED BY THE COUNTY COMMISSIONERS PURSUANT TO SECTION 38-50-101 (2) OR IF SUCH MONUMENT IS SET PURSUANT TO SECTION 38-51-104.

(2) NO PLAT SHALL BE REQUIRED TO BE PREPARED IF THE MONUMENTS ACCEPTED ARE WITHIN A PLATTED SUBDIVISION WHICH WAS FILED AFTER JULY 1, 1975.

38-51-108. Improvement location certificate. (1) A PROFESSIONAL LAND SURVEYOR MAY PREPARE AN IMPROVEMENT LOCATION CERTIFICATE FOR THE USE OF A SPECIFIC CLIENT BASED UPON SUCH PROFESSIONAL LAND SURVEYOR'S GENERAL KNOWLEDGE OF LAND BOUNDARIES AND MONUMENTS IN A GIVEN AREA IF SUCH CLIENT IS NOT THE OWNER OR BUYER; EXCEPT THAT A COPY OF SUCH CERTIFICATE SHALL BE PROVIDED TO SUCH OWNER OR BUYER.

(2) (a) (I) A CERTIFICATE PREPARED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE DESIGNATED AS OR CONSTRUED AS BEING A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT.

(II) SUCH CERTIFICATE SHALL BE PROMINENTLY LABELED "IMPROVEMENT LOCATION CERTIFICATE" AND CONTAIN A STATEMENT IN THE FOLLOWING FORM:

IMPROVEMENT LOCATION CERTIFICATE

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR (INDIVIDUAL OR FIRM), THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.

I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, ... (INSERT DATE), EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

STAMP BY(SIGNED).....

OR

SEAL DATE

(b) A PROFESSIONAL LAND SURVEYOR SHALL ASSUME FULL LIABILITY FOR EACH IMPROVEMENT LOCATION CERTIFICATE DONE BY SUCH PROFESSIONAL LAND SURVEYOR OR UNDER SUCH PROFESSIONAL LAND SURVEYOR'S RESPONSIBLE CHARGE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

38-51-109. Unlawful sale. (1) IT IS UNLAWFUL FOR ANY PERSON TO OFFER TO SELL, TO SELL, OR OTHERWISE TO RECEIVE REMUNERATION FOR ANY MAP OR PLAT WHICH PURPORTS TO BE A SURVEY MAP OR PLAT UNLESS SUCH MAP OR PLAT CONFORMS WITH THE STANDARDS, REQUIREMENTS, AND TERMINOLOGY OF THE PROVISIONS OF THIS ARTICLE.

(2) IT IS UNLAWFUL FOR ANY PERSON TO OFFER TO SELL, TO SELL, OR OTHERWISE TO RECEIVE REMUNERATION FOR ANY DOCUMENT, SKETCH, OR DIAGRAM WHICH PURPORTS TO BE AN IMPROVEMENT LOCATION CERTIFICATE UNLESS SUCH DOCUMENT, SKETCH, OR DIAGRAM CONFORMS WITH THE STANDARDS, REQUIREMENTS, AND TERMINOLOGY OF THIS ARTICLE.

38-51-110. Violations. (1) IT IS THE RESPONSIBILITY OF THE DISTRICT ATTORNEYS OF THIS STATE TO PROSECUTE ANY PERSON SUSPECTED OF WILLFULLY AND KNOWINGLY VIOLATING THIS ARTICLE.

(2) ANY PERSON, INCLUDING THE RESPONSIBLE OFFICIAL OF ANY AGENCY OF STATE, COUNTY, OR LOCAL GOVERNMENT, WHO WILLFULLY AND KNOWINGLY VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS OR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS.

(3) (a) THE BOARD MAY REVOKE THE REGISTRATION OF ANY PROFESSIONAL LAND SURVEYOR CONVICTED UNDER THE PROVISIONS OF THIS ARTICLE.

(b) ANY PERSON WHOSE REGISTRATION IS REVOKED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE ENTITLED TO A HEARING ON SUCH REVOCATION PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 48. Article 53 of title 38, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 53

Perpetuation of Land Survey Monuments

38-53-101. Legislative declaration. IT IS HEREBY DECLARED TO BE A PUBLIC POLICY OF THIS STATE TO ENCOURAGE THE ESTABLISHMENT AND PRESERVATION OF ACCURATE LAND BOUNDARIES, INCLUDING DURABLE MONUMENTS AND COMPLETE PUBLIC RECORDS, AND TO MINIMIZE THE OCCURRENCE OF LAND BOUNDARY DISPUTES AND DISCREPANCIES.

38-53-102. Applicability - state - county - local - persons. THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ALL AGENCIES OF STATE, COUNTY, AND LOCAL GOVERNMENT AS WELL AS TO INDIVIDUALS, CORPORATIONS, AND PARTNERSHIPS ENGAGED IN THE PRIVATE PRACTICE OF LAND SURVEYING.

38-53-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSORY" MEANS ANY PHYSICAL EVIDENCE IN THE VICINITY OF A SURVEY MONUMENT, THE RELATIVE LOCATION OF WHICH IS OF PUBLIC RECORD AND WHICH IS USED TO HELP PERPETUATE THE LOCATION OF THE MONUMENT. ACCESSORIES SHALL BE CONSTRUED TO INCLUDE THE ACCESSORIES RECORDED IN THE ORIGINAL SURVEY NOTES AND ADDITIONAL REFERENCE POINTS AND DIMENSIONS FURNISHED BY SUBSEQUENT LAND SURVEYORS OR ATTESTED TO IN WRITING BY PERSONS HAVING PERSONAL KNOWLEDGE OF THE ORIGINAL LOCATION OF THE MONUMENT.

(2) "ALIQUOT CORNER" MEANS ANY SECTION CORNER OR QUARTER SECTION CORNER AND ANY OTHER CORNER IN THE PUBLIC LAND SURVEY SYSTEM CREATED BY SUBDIVIDING LAND ACCORDING TO THE RULES OF PROCEDURE SET FORTH IN SECTION 38-51-103.

(3) "BENCH MARK" MEANS ANY RELATIVELY IMMOVABLE POINT ON THE EARTH WHOSE ELEVATION ABOVE OR BELOW AN ADOPTED DATUM IS KNOWN.

(4) "BLOCK" MEANS A PARCEL OF LAND WITHIN A PLATTED SUBDIVISION BOUNDED ON ALL SIDES BY STREETS OR AVENUES, OTHER PHYSICAL BOUNDARIES SUCH AS A BODY OF WATER, OR THE EXTERIOR BOUNDARY OF A PLATTED SUBDIVISION.

(5) "BOARD" MEANS THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, CREATED IN SECTION 12-25-106, C.R.S.

(6) "CONTROL CORNER" MEANS ANY LAND SURVEY MONUMENT THE POSITION OF WHICH CONTROLS THE LOCATION OF THE BOUNDARIES OF A TRACT OR PARCEL OF LAND.

(7) "EXEMPTION PLAT" OR "SUBDIVISION EXEMPTION PLAT" MEANS A SUBDIVISION PLAT WHICH INCLUDES ALL OF THE INFORMATION REQUIRED BY SECTION 38-51-106 AND WHICH DEPICTS A DIVISION OF LAND OR THE CREATION OF AN INTEREST IN PROPERTY FOR WHICH THE BOARD OF COUNTY COMMISSIONERS HAS GRANTED AN EXEMPTION FROM SUBDIVISION REGULATIONS PURSUANT TO SECTION 30-28-101 (10) (d), C.R.S.

(8) "IMPROVEMENT LOCATION CERTIFICATE" MEANS A REPRESENTATION OF THE BOUNDARIES OF A PARCEL OF LAND AND THE IMPROVEMENTS THEREON, PREPARED PURSUANT TO SECTION 38-51-108.

(9) "IMPROVEMENT SURVEY PLAT" MEANS A LAND SURVEY PLAT AS DEFINED IN SUBSECTION (12) OF THIS SECTION, RESULTING FROM A MONUMENTED LAND SURVEY SHOWING THE LOCATION OF ALL STRUCTURES, VISIBLE UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL AND WITHIN FIVE FEET OF ALL

BOUNDARIES OF SUCH PARCEL, ANY CONFLICTING BOUNDARY EVIDENCE OR VISIBLE ENCROACHMENTS, AND ALL EASEMENTS, UNDERGROUND UTILITIES, OR TUNNELS, FOR WHICH PROPERTY RECORDED EVIDENCE IS AVAILABLE FROM THE COUNTY CLERK AND RECORDER, A TITLE INSURANCE COMPANY, OR OTHER SOURCE AS SPECIFIED ON THE IMPROVEMENT SURVEY PLAT.

(10) "IRREGULAR PARCEL" MEANS A PARCEL OF LAND WHICH IS NOT UNIQUELY DEFINED ON A SUBDIVISION PLAT BUT WHICH IS DESCRIBED BY ANY OF THE FOLLOWING METHODS:

- (a) A METES AND BOUNDS DESCRIPTION;
- (b) A BOOK AND PAGE OR RECEPTION NUMBER REFERENCE;
- (c) ANY SO-CALLED "ASSESSOR'S TRACT"; OR
- (d) A DESCRIPTION WHICH CALLS ONLY FOR THE OWNER'S OR ADJOINER'S NAME.

(11) "LAND SURVEY" MEANS A SERIES OF OBSERVATIONS AND MEASUREMENTS MADE BY A PROFESSIONAL LAND SURVEYOR PURSUANT TO SECTIONS 38-51-103, 38-51-104, AND 38-51-105 FOR THE PURPOSE OF LOCATING OR RESTORING ANY REAL PROPERTY BOUNDARY.

(12) "LAND SURVEY PLAT" MEANS A PLAT WHICH SHOWS THE INFORMATION DEVELOPED BY A MONUMENTED LAND SURVEY AND INCLUDES ALL INFORMATION REQUIRED BY SECTION 38-51-106.

(13) "MONUMENTED LAND SURVEY" MEANS A LAND SURVEY IN WHICH MONUMENTS ARE EITHER FOUND OR SET PURSUANT TO SECTIONS 38-51-103, 38-51-104, AND 38-51-105 TO MARK THE BOUNDARIES OF A SPECIFIED PARCEL OF LAND.

(14) "MONUMENT RECORD" MEANS A WRITTEN AND ILLUSTRATED DOCUMENT DESCRIBING THE PHYSICAL APPEARANCE OF A BENCH MARK OR SURVEY MONUMENT AND ITS ACCESSORIES.

(15) "PLATTED SUBDIVISION" MEANS A GROUP OF LOTS, TRACTS, OR PARCELS OF LAND CREATED BY RECORDING A MAP WHICH MEETS THE REQUIREMENTS OF SECTION 38-51-106 AND WHICH SHOWS THE BOUNDARIES OF SUCH LOTS, TRACTS, OR PARCELS AND THE ORIGINAL PARCEL FROM WHICH THEY WERE CREATED.

(16) "PROFESSIONAL LAND SURVEYOR" MEANS A PERSON REGISTERED OR LICENSED PURSUANT TO PART 2 OF ARTICLE 25 OF TITLE 12, C.R.S.

(17) "PROPERTY DESCRIPTION" MEANS A WRITTEN, NARRATIVE DESCRIPTION OF A PARCEL OF REAL PROPERTY OR AN EASEMENT FOR THE PURPOSE OF PERPETUATING LOCATION OF TITLE.

(18) "PUBLIC LAND SURVEY MONUMENT" MEANS ANY LAND BOUNDARY MONUMENT ESTABLISHED ON THE GROUND BY A CADASTRAL SURVEY OF THE UNITED STATES GOVERNMENT AND ANY MINERAL SURVEY MONUMENT ESTABLISHED BY A

UNITED STATES MINERAL SURVEYOR AND MADE A PART OF THE UNITED STATES PUBLIC LAND RECORDS.

(19) "RESPONSIBLE CHARGE" MEANS CONTROL AND DIRECTION OF SURVEYING WORK.

(20) "SUBDIVISION PLAT" MEANS A MAP OF A PLATTED SUBDIVISION RECORDED FOR THE PURPOSE OF CREATING LAND PARCELS WHICH CAN BE IDENTIFIED UNIQUELY BY REFERENCE TO SUCH MAP.

38-53-104. Filing of monument record required. (1) (a) IF A PROFESSIONAL LAND SURVEYOR CONDUCTS A SURVEY WHICH USES ANY PUBLIC LAND SURVEY MONUMENT OR ANY UNITED STATES GEOLOGICAL SURVEY OR UNITED STATES COAST AND GEODETIC SURVEY (ALSO KNOWN AS THE NATIONAL OCEAN SERVICE/NATIONAL GEODETIC SURVEY) MONUMENT AS A CONTROL CORNER, SUCH PROFESSIONAL LAND SURVEYOR SHALL FILE A MONUMENT RECORD DESCRIBING SUCH MONUMENT WITH THE BOARD IF THE MONUMENT AND ITS ACCESSORIES ARE NOT SUBSTANTIALLY DESCRIBED IN AN EXISTING MONUMENT RECORD PREVIOUSLY FILED PURSUANT TO THIS SECTION OR ITS PREDECESSOR.

(b) IF A PROFESSIONAL LAND SURVEYOR ESTABLISHES, RESTORES, OR REHABILITATES ANY PUBLIC LAND SURVEY MONUMENT OR SECTION CORNER, QUARTER SECTION CORNER, OR SIXTEENTH SECTION CORNER AS DEFINED BY THE NOMENCLATURE OF THE UNITED STATES PUBLIC LAND SURVEY SYSTEM SUCH PROFESSIONAL LAND SURVEYOR SHALL FILE A MONUMENT RECORD.

(c) ANY MONUMENT RECORD FILED PURSUANT TO THIS SECTION SHALL DESCRIBE AT LEAST TWO ACCESSORIES OR REFERENCE POINTS.

(2) MONUMENT RECORDS SHALL BE FILED WITHIN SIX MONTHS OF THE DATE ON WHICH THE MONUMENT WAS USED AS CONTROL OR WAS ESTABLISHED, RESTORED, OR REHABILITATED.

38-53-105. Professional land surveyor must rehabilitate monuments. FOR ANY MONUMENT RECORD OF A PUBLIC LAND SURVEY CORNER WHICH IS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE, THE PROFESSIONAL LAND SURVEYOR SHALL RESTORE OR REHABILITATE THE CORNER MONUMENT SO IT IS READILY IDENTIFIABLE AND REASONABLY DURABLE, IF FIELD CONDITIONS REQUIRE IT.

38-53-106. Forms to be prescribed by board. THE BOARD SHALL ADOPT AND REVISE AS NECESSARY THE FORMS USED FOR MONUMENT RECORDS INCLUDING THE INFORMATION TO BE REQUIRED ON SUCH FORMS. SUCH FORMS AND ANY NECESSARY INSTRUCTIONS SHALL BE FURNISHED TO ALL PROFESSIONAL LAND SURVEYORS WITHOUT CHARGE.

38-53-107. Monument records. NO MONUMENT RECORD SHALL BE ACCEPTED FOR FILING UNLESS IT IS PROPERLY COMPLETED AND SIGNED AND SEALED BY THE PROFESSIONAL LAND SURVEYOR WHO WAS IN RESPONSIBLE CHARGE OF THE WORK.

38-53-108. Filing permitted on any survey monument. A PROFESSIONAL LAND SURVEYOR MAY FILE A MONUMENT RECORD DESCRIBING ANY LAND SURVEY

MONUMENT, ACCESSORY, OR BENCH MARK WITH THE BOARD.

38-53-109. Fees. FOR FILINGS ON PUBLIC LAND SURVEY MONUMENTS AND THEIR ACCESSORIES AND ALIQUOT CORNERS OR BENCH MARKS THERE SHALL BE NO FEE CHARGED. FOR ALL OTHER FILINGS THERE SHALL BE A FEE ESTABLISHED PURSUANT TO SECTION 24-34-105, C.R.S., WHICH SHALL BE PAYABLE TO THE BOARD AT THE TIME OF FILING.

38-53-110. Violations. (1) IT IS THE RESPONSIBILITY OF THE DISTRICT ATTORNEYS OF THIS STATE TO PROSECUTE ANY PERSON SUSPECTED OF WILLFULLY AND KNOWINGLY VIOLATING THIS ARTICLE.

(2) ANY PERSON, INCLUDING THE RESPONSIBLE OFFICIAL OF ANY AGENCY OF STATE, COUNTY, OR LOCAL GOVERNMENT, WHO WILLFULLY AND KNOWINGLY VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS OR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS.

(3) (a) THE BOARD MAY REVOKE THE REGISTRATION OF ANY PROFESSIONAL LAND SURVEYOR CONVICTED UNDER THE PROVISIONS OF THIS ARTICLE.

(b) ANY PERSON WHOSE REGISTRATION IS REVOKED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE ENTITLED TO A HEARING ON SUCH REVOCATION, PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 49. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for allocation to the state board of registration for professional engineers and professional land surveyors, for the fiscal year beginning July 1, 1994, the sum of thirty thousand five hundred eighty-five dollars (\$30,585) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 50. Effective date. This act shall take effect July 1, 1994.

SECTION 51. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1994