INFORMATION FOR ALL FUTURE APPLICANTS SEEKING SURVEYOR INTERN OR PROFESSIONAL SURVEYOR LICENSURE REGARDING REGULATIONS IMPLEMENTING ACT 392 OF 2009

In 2009, the Arkansas Legislature passed Act 392 (Act) that will dramatically change the licensing requirements for Surveyor Intern and Professional Surveyor applicants beginning January 1, 2017. The Board recently adopted the recommendations of an advisory task force (Task Force) that it commissioned in late 2009 to draft regulations to implement the Act.

During the process of drafting those regulations, it became apparent to the Task Force that although the statute and regulations do not take effect until 2017, they will by implication impose other possibly less obvious deadlines. As a result, the Task Force also drafted this guidance document as an aid to future applicants to help plan when certain activities possibly should occur in order to meet the dates prescribed in the act, and potentially prevent what may appear to be harsh results to certain applicants.

In the sections that follow, the regulations to implement the Act will be referred to as the "new rules." Those in effect now and until January 1, 2017, will be referred to as the "current rules".

SURVEYOR INTERN & PROFESSIONAL SURVEYOR APPLICANTS SEEKING TO QUALIFY ON EXPERIENCE ONLY

The Act and new rules provide that after 2017, an applicant for intern or professional licensure shall have either a baccalaureate degree from a four (4) year curriculum with thirty (30) hours of courses involving surveying, real property, mapping and real estate, or an Associate of Science or Associate of Applied Science degree in surveying. The Act does not provide for licensing by experience after the effective date. As a result, those applicants that will seek to become licensed by experience prior to January 1, 2017 should be aware of the following:

1) Professional applicants that do not fully satisfy the current requirement of completing six (6) years of acceptable experience prior to January 1, 2017 will be required to meet one of the required educational requirements after that date;
2) Because the fundamentals of surveying examination must be taken and passed before attempting the principles and practice of surveying examination, applicants are encouraged to apply for intern licensure at the earliest possible date the applicant may qualify. The latest date that an applicant seeking to qualify on experience could submit an application for intern licensure and still have the possibility to also take and pass the principles and practice of surveying examination under the current regulation cutoff dates is July 1, 2016[1]. It should be noted, however, that as of July 1, 2016, the applicant would also be required to:
   - Have over five and one half (5 1/2) years of creditable experience;
   - Have the ability to obtain the remainder prior to January 1, 2017; and,
   - Pass the fundamentals of surveying examination on the first attempt.
3) An applicant that qualifies for intern licensure only by January 1, 2017 will be required to meet the new rules required for professional licensure regardless of the amount of creditable

[1] Should NCEES exam administration dates change, the application cutoff dates would be adjusted accordingly.

experience the applicant possesses at that time. Any creditable experience accrued prior to that date may be used, however, to satisfy the new requirements.

4) As designated above, qualifying for licensure means that all requirements have been met and the applicant has been approved to take the appropriate examination(s) and will be licensed upon successfully passing the examination(s). The new rules provide that a qualifying applicant will have three (3) attempts to pass an examination as long as those attempts occur before January 1, 2020. After that date or number of attempts, whichever comes first, a new application must be submitted and the new rules will apply. For professional applicants, both the principles and practice and the state specific examination must be completed by January 1, 2020.

SURVEYOR INTERN AND PROFESSIONAL SURVEYOR APPLICANTS SEEKING TO QUALIFY WITH AN ASSOCIATE OF SCIENCE OR ASSOCIATE OF APPLIED SCIENCE DEGREE

The Act and new rules will not affect the ability of an intern applicant to become licensed whether before or after January 1, 2017. The new rules provide that these applicants will still be admitted with the degree only and also that students will still be able to take the exam in their final year.

The primary change for these applicants is to the experience requirements necessary for professional licensure. The Act and new rules provide that after January 1, 2017, applicants with these degrees will be required to have six (6) years of acceptable experience. As a result, those applicants that seek to become licensed by completing an Associate of Science or Associate of Applied Science degree prior to January 1, 2017 should be aware of the following:

1) In order to have a reasonable probability of completing the current two (2) year experience requirement by January 1, 2017, the degree should be obtained by December 31, 2015. It should be noted, however, that even after completing the degree, the applicant will still have the burden of demonstrating that the required experience is obtained by January 1, 2017.
2) An applicant that does not satisfy the two (2) year experience requirement by January 1, 2017 will be required to have six (6) years of experience before qualifying to take the principles and practice of surveying examination.
3) As designated above, qualifying for licensure means that all requirements have been met and the applicant has been approved to take the appropriate examination and will be licensed upon successfully passing the examination. The new rules provide that a qualifying applicant will have three (3) attempts to pass the examination as long as those attempts occur before January 1, 2020. After that date or number of attempts, whichever comes first, a new application must be submitted and the new requirements will apply. For professional applicants, both the principles and practice and the state specific examination must be completed by January 1, 2020.

SURVEYOR INTERN AND PROFESSIONAL SURVEYOR APPLICANTS SEEKING TO QUALIFY WITH A BACHELOR OF SCIENCE DEGREE AND NINE (9) HOURS OF SURVEYING COURSEWORK

The Act 392 and new rules will affect applicants for both intern and professional licensure qualifying with a four (4) year degree both in terms of the required education qualifications and experience requirements.

The current rules for applicants with a four (4) year bachelor's degree require that the applicant have taken nine (9) hours of surveying with three (3) of those hours in principles and practice of boundary

location. As of January 1, 2017, the Act and new rules require applicants to have some core educational courses plus thirty (30) hours of surveying or surveying-related courses and the new rule provides lists and choices of available options.

The current rules also provide that those qualifying with a four (4) year degree must have two (2) years of acceptable experience before qualifying for professional licensure. As of January 1, 2017, applicants will be required to have three (3) years of acceptable experience. As a result, those applicants that will seek to become licensed by completing a baccalaureate degree from a four (4) year curriculum prior to January 1, 2017 should be aware of the following:

1) In order to have a reasonable probability of completing the two (2) year experience requirement for professional licensure by January 1, 2017, the degree should be obtained by December 31, 2015. It should be noted, however, that even after completing the degree, the applicant will still have the burden of demonstrating that the required experience is obtained by January 1, 2017.
2) Because the fundamentals of surveying examination must be taken and passed before attempting the principles and practice of surveying examination, applicants are encouraged to apply for intern licensure at the earliest possible date, preferably even while still in school. The latest date that an applicant seeking to qualify for professional licensure could submit an application for intern licensure and still have the possibility to also take and pass the principles and practice of surveying examination under the current regulation cutoff dates is July 1, 2016. It should be noted, however, that as of July 1, 2016, the applicant would also be required to:
    - Have over one and one half (1 1/2) years of creditable experience;
    - Have the ability to obtain the remainder prior to January 1, 2017; and,
    - Pass the fundamentals of surveying examination on the first attempt.
3) A professional applicant whose degree meets the requirements of the current but not the new rules must pass the fundamentals of surveying examination and complete the two (2) year experience requirement, as well as all other current requirements by January 1, 2017, in order to be eligible for admission to the principles and practice examination.
4) A professional applicant whose degree meets the requirements of the current but not the new rules and does not complete all other requirements necessary to qualify for admission to the principles and practice by January 1, 2017 will be required to meet the new educational qualifications as well as the new experience requirements after that date.
5) An applicant that does not satisfy the two (2) years of experience requirement but meets all other requirements, including the new educational requirements by January 1, 2017 will be required to have three (3) years of experience before qualifying to take the principles and practice of surveying examination.
6) An applicant that qualifies for intern licensure only by January 1, 2017 will be required to meet the new requirements for professional licensure regardless of the amount of creditable experience the applicant possesses at that time. Any creditable experience accrued prior to that date may be used, however, to satisfy the new requirements
7) As used above, qualifying for licensure means that all requirements have been met and the applicant has been approved to take the appropriate examination and will be licensed upon successfully passing the examination. The regulations provide that a qualifying applicant will have three (3) attempts to pass an examination as long as those attempts occur before January 1, 2020. After that date or that number of attempts, whichever comes first, a new application must be submitted and the new requirements will apply. For professional applicants, both the principles and practice and the state specific examination must be completed by January 1, 2020.