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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 15. Land Surveyors [8700 - 8805] (*Chapter 15 added by Stats. 1939, Ch. 41.)*

ARTICLE 8. Revenue [8800 - 8805] (*Article 8 added by Stats. 1939, Ch. 41.)*

8800. (a) The department shall receive and account for all money derived under the operation of this chapter and, at the end of each month, shall report such money to the Controller and shall pay it to the Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's, Land Surveyor's, and Geologist's Fund.

(b) For accounting and recordkeeping purposes, the Professional Engineer's, Land Surveyor's, and Geologist's Fund shall be deemed to be a single special fund, and shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) The fees and civil penalties received under this chapter shall be deposited in the Professional Engineer's, Land Surveyor's, and Geologist's Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

(d) This section shall become operative on July 1, 2016.

(Repealed (in Sec. 27) and added by Stats. 2015, Ch. 428, Sec. 28. (AB 177) Effective January 1, 2016. Section operative July 1, 2016, by its own provisions.)

8801. Licenses issued under this chapter expire every two years, if not renewed. Biennial renewals shall be staggered on a quarterly basis. To renew an unexpired license the licenseholder shall on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

(Amended by Stats. 2001, Ch. 495, Sec. 14. Effective January 1, 2002.)

8801.1. (a) At the time of renewal specified in Section 8801 or 8802, the board shall administer an assessment of the licenseholder to reinforce the licenseholder's knowledge of state laws and the board's rules and regulations. Failure to complete this assessment within 60 days after the date of expiration of the license may result in disciplinary action under Section 8780, but shall not affect the renewal of the license.

(b) The crime in subdivision (j) of Section 8792 shall not apply to this section.

(c) The board shall not charge the licenseholder a fee for the administration or development of the assessment.

(d) For the purposes of this section, "assessment" means an online program that contains educational reading material and questions. The material shall be based on state law and the board's rules and regulations relating to the practice of professional land surveyors. The scope of the assessment shall be limited to the board's top five types of violations related to the administrative and procedural aspects of the practice of professional land surveyors and any changes or additions to existing law related to such administrative and procedural aspects.

(Added by Stats. 2016, Ch. 629, Sec. 4. (SB 1085) Effective January 1, 2017.)

8802. Except as otherwise provided in this article, licenses issued under this chapter may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 8801 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

(Amended by Stats. 2016, Ch. 236, Sec. 31. (SB 1165) Effective January 1, 2017.)

8802.1. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

(Added by Stats. 1961, Ch. 1257.)

8802.2. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

(Added by Stats. 1961, Ch. 1257.)

8803. (a) A license that is not renewed within five years after its expiration shall not be renewed, restored, reissued, or reinstated. After five years after expiration, the holder of a license may apply for and obtain a new license subject to the following:

- (1) He or she has not committed any acts or crimes constituting grounds for denial of licensure under Section 480.
- (2) He or she takes and passes the examination, if any, that would be required if applying for the license for the first time.

(b) The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination pursuant to this section.

(Amended by Stats. 2016, Ch. 236, Sec. 32. (SB 1165) Effective January 1, 2017.)

8803.1. Once an expired or delinquent license is renewed pursuant to Section 8802, all of the following apply:

- (a) The board shall continue to have full jurisdiction and authority over the licensee as if the license had not expired or become delinquent.
- (b) The work performed by the licensee during a period of expiration or delinquency shall be deemed lawful and validly performed as to persons or entities other than the licensee.
- (c) The renewal of a license shall not affect liability issues regarding work performed during a period of expiration or delinquency, nor does the fact of performance during a period of expiration or delinquency affect liability issues.

(Amended by Stats. 2016, Ch. 236, Sec. 33. (SB 1165) Effective January 1, 2017.)

8804. The renewal or reinstatement of any certificate of registration of a civil engineer under Chapter 7 (commencing with Section 6700) of Division 3, who is also a licensed land surveyor, shall not include the renewal or restoration of his land surveyor's license, without the payment of the surveyor's renewal fee or penalty.

(Amended by Stats. 1972, Ch. 1300.)

8804.5. The board may make refunds of all fees in accordance with Section 158 of this code.

(Amended by Stats. 1983, Ch. 1200, Sec. 7.)

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

- (a) The fee for filing each application for licensure as a land surveyor at not more than four hundred dollars (\$400) and for each application for certification as a land surveyor-in-training (LSIT) at not more than one hundred dollars (\$100).
- (b) The fees to take an examination administered by a public or private organization pursuant to Section 8745 shall be no greater than the actual cost of the development and administration of the examination and may be paid directly to the organization by the applicant.
- (c) The renewal fee for a land surveyor at not more than four hundred dollars (\$400).
- (d) The fee for a retired license at not more than 50 percent of the professional land surveyor application fee in effect on the date of application.
- (e) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.
- (f) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee shall be no more than the costs incurred by the board.

(g) All other document fees are to be set by the board by rule.

(Amended by Stats. 2016, Ch. 236, Sec. 34. (SB 1165) Effective January 1, 2017.)