



**MISSISSIPPI BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS & SURVEYORS**
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**DECLARATORY OPINION
THE PRACTICE OF SURVEYING**
(February 6, 2019)

Introduction

Questions regarding the law as it pertains to the practice surveying have been raised with the Board of Licensure for Professional Engineers and Surveyors (Board). These uncertainties have led to confusion on the part of the public and to litigation in in both federal and state courts.

In an effort to clarify what is meant by the practice of surveying in Mississippi, the Board developed and adopted this Declaratory Opinion. It is based on a review of the Mississippi Law and Rules and affirmed through comparative examination of opinions and clarifications offered by other licensure boards in this region; in particular, Kentucky.

Definition of Terms

Authoritative – An accurately and precisely established location of a feature, object or boundary sufficient for use in establishing property rights, legal proceedings, or to protect the safety of the public from hazardous assets or other man-made or natural features.

Precise Location – A description of the position of a feature, object or boundary that meets or exceeds surveying accuracy standards per Rule 21.4, Appendix B.

Generalized Location – A description of the position of a feature, object or boundary using general mapping accuracy standards that do not meet or exceed surveying accuracy standards.

Opinion

The definition of the practice of land surveying includes all activities where the resulting work product represents the precise location of a feature, object, or boundary with reference to the surface or subsurface of the earth and is a work product upon which the public is intended to reasonably rely as being the precise location of that feature, object, or boundary so located. This is true regardless of the technology or method employed. These activities must be accomplished by, or under the direct supervisory control of, a professional land surveyor.

Land surveying does not encompass work products which represent only a generalized location of a feature, object, or boundary upon which the public would not reasonably rely as the precise location of that feature, object, or boundary. The following items are not to be considered as activities within the definition of the practice of land surveying:

1. The creation of general maps as illustrations, in electronic or print media, prepared by private entities, educational institutions, or governmental agencies as:
 - a. guides to motorists, boaters, aviators, or pedestrians;
 - b. resources for the purposes of coordinating or administering public services, asset management and emergency response activities;
 - c. part of a publication in a gazetteer or atlas as an educational tool or reference publication;
 - d. part of the curriculum of any course of study;
 - e. guides to the geographic location of any event; or
 - f. part of conversational or illustrative documents, including advertising materials and users guides.
2. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, or the precise location of fixed works of humans.
3. The transcription of public record data, without modification except for graphical purposes, into a GIS-based or LIS-based cadastre (showing the extent, value, or ownership of land for taxation and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property boundaries. This would include the production of tax maps and zoning maps.
4. The preparation of any document by any government agency that does not depict real property boundaries. These documents includes: civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and similar documentation.
5. The incorporation or use of documents or databases prepared by any governmental agency into a GIS or LIS, including census and demographic data, quadrangle topographic maps, and military maps.
6. Inventory maps and databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have

management, service or administrative responsibility. The distribution of these maps and databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

7. Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archaeologists, historians, or other persons qualified to document such data.
8. Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. These items include georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.
9. Work products containing the following written disclaimer in at least twelve point font:

“This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.”