

## DEPARTMENT OF REGULATORY AGENCIES

### State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors

## ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULES AND REGULATIONS

### 4 CCR 730-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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## 1.2 Abbreviations and Definitions

Terms defined in Title 12, Article 120, Colorado Revised Statutes, and used in these Rules shall have same meaning as set forth in the statutes.

### A. Abbreviations

ABET	Accreditation Board for Engineering and Technology
ANSAC	Applied Natural Science Accreditation Commission
ARE	The current Architect Registration Examination, prepared by NCARB
AXP	Architectural Experience Program (Developed by NCARB and required by US Jurisdictions to record professional experience)
BLM	Bureau of Land Management
CAB	Canadian Accreditation Board
CACB	Canadian Architectural Certification Board
CEH	Continuing Education Hour
CFedS	Certified Federal Surveyor
C.R.C.P.	Colorado Rules of Civil Procedure
C.R.S.	Colorado Revised Statutes
EAC	Engineering Accreditation Commission
EI	Engineer-Intern
ETAC	Engineering Technology Accreditation Commission
FE	Fundamentals of Engineering Examination
GLO	General Land Office

ILC	Improvement Location Certificate
ISP	Improvement Survey Plat
LEED	Leadership in Energy and Environmental Design
LSI	Land Surveyor Intern
LSP	Land Survey Plat
NAAB	The National Architectural Accrediting Board
NCARB	The National Council of Architectural Registration Boards
NCEES	National Council of Examiners for Engineering and Surveying
NSPS	National Society of Professional Surveyors
PE	Professional Engineer
PLS	Professional Land Surveyor
PLSM	Public Land Survey Monument
PLSS	Public Land Survey System
RAC	Related Accreditation Commission

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#### **1.4 Rules of Administrative Procedure**

##### **A. Applications**

1. Complete Applications. A complete application requires that an applicant submit the application, the required fee, and all required documentation as set forth in the Board's published application procedures. Required documentation includes that which the applicant is responsible for submitting and any other documentation that may be required from other sources to support the applicant's file. Any application not complying with these procedures shall be deemed incomplete and the applicant shall be so notified.

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- f. ~~Student Applicants for the Fundamentals of Engineering and/or Fundamentals of Surveying Exam. Students eligible to take the fundamentals of engineering examination pursuant to section 12-120-111(2)(b)(II), C.R.S., and/or the Fundamentals of Surveying Examination pursuant to section 12-120-311(2)(b)(II), C.R.S. shall make application in accordance with the procedures established by the Board.~~
- g. Endorsement Applications. Applicants currently in good standing in another jurisdiction may apply for licensure as an architect, professional engineer or professional land surveyor based upon endorsement from the jurisdiction where licensure was originally obtained.

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**C. Retention of Applications.**

The Board retains applications as described in the following paragraphs and only for the time periods noted. Once an application is purged from the Board files, a new original application and supporting documents must be submitted along with the appropriate fee.

1. **Incomplete Applications.** The Board will retain an incomplete application for enrollment, certification, or licensure in its pending file, pending receipt from the applicant of all necessary documentation. If all the documentation has not been received in a one-year period, the application will be purged from the Board files.
2. ~~**Approved Engineering and Land Surveying Applications.** The Board retains application forms and supporting documents for persons who have been approved to take the Fundamentals of Engineering, Principles and Practice of Engineering, Fundamentals of Surveying, Principles and Practice of Surveying, or the Colorado State Specific Surveying examinations for a period of two years from the date of approval by the Board. If an applicant does not take the examination within that two-year period, the application will be purged from the Board files. If an applicant fails an examination, the applicant has two years from the date of that examination to retake the examination or the application will be purged from the Board files.~~
3. **Denied Applications.** The Board retains application forms and supporting documents for persons who have been denied permission to take an examination or who have been denied licensure, enrollment, or certification, for a period of three years from the date of denial by the Board. After denial of an application, it is necessary for an applicant who wishes reconsideration to file a request in a manner approved by the Board. If an updated application is made within the three-year period within which the Board retains denied applications, an applicant may request that transcripts, letters of reference, or other supporting documents retained by the Board be transferred to, and considered in support of, the updated application. If the request for reconsideration is not made within the three-year period, the application and supporting documents will be purged from the Board's files.
34. ~~**Former Student Applicants for the Fundamentals of Engineering and Fundamentals of Surveying Examination Applications.** Students who apply to take the Fundamentals of Engineering Examination and the Fundamentals of Surveying Examination pursuant to sections 12-120-211(2)(b)(II) and 12-120-311(2)(b)(II), C.R.S., and who no longer meet the requirements of sections 12-120-211(2)(b)(II) and 12-120-311(2)(b)(II), C.R.S., must provide proof that they have met the qualifications of sections 12-120-211 and 12-120-311, C.R.S., in accordance with published Board procedures.~~
5. **Pending Applications for Engineering and Land Surveying Applicants ONLY.** The Board retains application forms and supporting documents for persons who have been denied permission to take an examination until they have gained the progressive experience required by the Board. Such "pending applications" are pending approval to take an examination for licensure until the required progressive experience is obtained. The Board will retain pending applications for six months after the required additional time has elapsed from the date the Board notified the applicant. To request reconsideration of a pending application, an applicant shall provide documentation of the additional required progressive experience in a manner approved by the Board. If request for reconsideration is not made within the aforementioned timeframe, the application will be purged from the Board's files. Pending applications are not subject to the retention period of Board Rule 1.4(C)(3).

**D. ~~References and~~ Verification of for Qualifying Work Experience.**

Completed ~~references~~ **qualifying work experience** shall be submitted on the forms approved by the Board and in accordance with published Board procedures.

1. **Architecture Applicants.** All applicants for initial licensure shall demonstrate the required experience pursuant to Board Rule 1.4(E) by providing proof of completion of the NCARB IDP.

The applicant shall provide a detailed and substantiated record of professional and related activities showing the training hours earned in the various practical experience settings pursuant to the NCARB IDP training requirements. The intent of the practical experience requirement is to provide the applicant a broad and diversified exposure to the practice of architecture. The employer, by their verification and signature, affirms to the Board that the activities recorded were actually performed by the applicant.

A. Repealed.

2. **Engineering and Land Surveying Applicants.** An applicant shall submit the number of completed ~~references~~ **verifications** necessary to verify the minimum number of years of experience required by statute for the particular section under which the applicant is applying (e.g. section 12-120-213(3)(b)(I), C.R.S., requires twelve years of experience, therefore, ~~references verifying~~ **qualifying work experience** of at least twelve years of progressive engineering experience must be submitted). ~~; section 12-120-313(4)(b)(I), C.R.S., requires ten years of experience, therefore, references verifying~~ **qualifying work experience** of at least ten years of progressive land surveying experience must be submitted).
3. **Land Surveying Applicants.** An applicant shall submit the number of completed verifications necessary to verify the minimum number of years of experience required by statute for the particular section under which the applicant is applying (e.g. section 12-120-313(2)(b)(IV)(C), C.R.S. requires six years of experience, therefore, **qualifying work experience** of at least six years of progressive land surveying must be submitted).

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**F. Engineering and Land Surveying Application Criteria**

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3. **Actual Experience Required.** Experience may not be anticipated. The experience must have been received at the time the **examination was taken, and** application is submitted.
4. **Employment While a Full-Time Undergraduate Student.** Full-time engineering or land surveying undergraduate students will ~~not~~ receive employment experience credit for ~~summer jobs, part-time, or full-time internships jobs,~~ **towards engineer intern or land surveyor intern enrollment, not to exceed 6 months of credit. Full-time internships are considered to be no less than 32 hours worked per week.**
5. **Short-Term Duration Employment Not Counted.** No engineering or land surveying experience of less than three months continuous duration with one employer shall be credited. EFFECTIVE 6/14/19
6. **Concurrent Employment Experience Not Credited.** Experience required for licensure will not be credited for more than one license qualification requirement at a time. For

example, employment used for engineering licensure requirements will not be credited again as employment used to gain another license, such as a surveying license.

7. **Verification of Recent Experience.** An applicant must include verification of work experience within the twelve months prior to submittal of the application in addition to any engineering or surveying experience for which the applicant desires credit toward qualification for licensure.

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## H. Examinations

1. **Candidates Must meet Qualifications Prior to Examination and Application.** Candidates for enrollment or licensure must ensure and truthfully attest that they meet the requirements for the enrollment or licensure for which they are applying prior to taking the required examination(s) and making application to the Board. False attestations are subject to disciplinary action by the Board. ~~Applicants Must Receive Board Approval to Take an Examination. No applicant may take the Architect Registration Examination or the State Specific Land Surveying Examination until the Board has established that the applicant is eligible for the examination. An applicant may be disallowed from taking or re-taking any of the licensing exams if there is evidence of socially unacceptable behavior (e.g. cheating, violence, or threats of violence or other disruptive behavior), in an exam setting. EFFECTIVE 6/14/19~~
2. **Sequencing and Validity of Examinations.**
  - a. **Architect Examinations**
    - (1) The A.R.E. as prepared and administered by NCARB, is adopted pursuant to section 12-120-413(2)(a), C.R.S.
    - (2) An applicant with a qualified NAAB/CACB Accredited degree or NAAB Approved Professional degree and who is enrolled in the NCARB IDP may take A.R.E. divisions in any sequence desired.
    - (3) An applicant may take the A.R.E. upon completion of the qualifications as set forth in Board Rule 1.4(E) ~~and An applicant may take A.R.E. divisions in any sequence desired.~~
    - (4) An applicant who fails to pass any division of the A.R.E. may reapply for examination for that or those divisions within the rules and time constraints set forth by NCARB.
  - b. **Engineer Examinations**
    - (1) ~~The Fundamentals of Engineering and the Principles and Practices of Engineering as prepared and administered by NCEES, is adopted pursuant to section 12-120-104(2)(b), C.R.S.~~
    - (2) An applicant for licensure as a professional engineer ~~shall will not be permitted to~~ take the Principles and Practice of Engineering Examination until the Fundamentals of Engineering Examination has been passed.
      - (a) **Exemption.** Applicants that have met the requirements of section 12-120-213(2)(b)(IV), C.R.S. are exempt from this Rule.

(b) Passage of the NCEES examinations is valid indefinitely.

- (32) **Structural Engineering Examination.** The Principles and Practice of Engineering Examination in structural engineering shall be considered and referred to as one ~~structural sixteen-hour~~ examination. ~~The structural examination shall consist of two eight-hour components: the vertical and lateral breadth, a six-hour examination and a vertical and lateral depth examination, a five and a half-hour examination forces and incidental lateral component and the lateral forces component. A candidate must receive acceptable results on all both 8-hour components to pass the structural examination. A candidate may take each component in separate exam administrations but must receive acceptable results on both components within a five-year period. Receiving acceptable results on only one eight-hour component shall to not be considered sufficient for licensure purposes.~~

c. **Surveyor Examinations**

- (1) The Fundamentals of Surveying and the Principles and Practices of Surveying, as prepared and administered by NCEES, is adopted pursuant to section 12-120-104(3)(b), C.R.S.
- (2) An examination pertaining to Colorado law, known as the Colorado State Specific Examination, is adopted pursuant to section 12-120-104(3)(b), C.R.S.
- (3) An applicant for licensure as a professional land surveyor will not be permitted to take the Principles and Practice of Surveying Examination and the State Specific Surveying Examination until the Fundamentals of Surveying Examination has been passed.
- (42) Passage of the NCEES examinations is valid indefinitely.
- (53) The passing score of an applicant's Colorado state specific land surveying examination is valid for licensing purposes for a period of no more than two years commencing with the date of notification of the passing score. Within such time, if the applicant does not also pass the NCEES principles and practice of land surveying examination, said applicant must retake the Colorado state specific land surveying examination and pay the re-examination fee.
- (64) A licensee whose Professional Land Surveyor license has expired for more than six years, shall be required to re-take the Colorado State Specific Surveying Examination, in addition to all other current requirements for a complete reinstatement application at the time of submittal.

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4. **Repealed Contract Management.** The Board designates the Division as its authorized agent to manage and conduct the negotiation, procurement, review and administration of examination contracts on behalf of the Board.
5. **Non-Attendance at Examination.** Failure of an applicant to attend an examination for which he/she has scheduled attendance does not count as a failure of the examination.

6. **Examination Results.** Examination results will be available to each examinee in a pass/fail format through a secure approved online system based on the examination taken. Results will not be given in any other manner.
7. **Language of Examinations.** The language of the examinations will be English.

## I. Licenses.

### 1. Reinstatement of Expired or Retired Licenses.

- a. **Reinstatement of Expired or Retired Licenses Two Years or Less.** An expired or retired license may be reinstated by submitting a reinstatement application and fee.

- (1) **Reinstatement of Expired or Retired Licenses Two Years or Less for Architects ONLY.** In addition to the requirements set forth in Board Rule 1.4(l)(1)(a), an expired or retired architect license may be reinstated by attesting to the completion of twelve CEHs for the calendar year while their license was active, and an additional twenty-four CEHs as set forth in Board Rule 1.4(l)(3)(a), acquired within the two years immediately preceding the date the application was received.

- (a) **Repealed.**

- (2) **Reinstatement of Expired or Retired Licenses Two Years or Less for Land Surveyors ONLY.** In addition to the requirements set forth in Board Rule 1.4(l)(1)(a), an expired or retired land surveyor license may be reinstated by attesting to the completion an additional thirty CEHs as set forth in Board Rule 1.4(l)(3)(b), acquired within the two years immediately preceding the date the application was received.

- b. **Reinstatement of Expired or Retired Licenses More Than Two Years.** Pursuant to sections 12-20-202(2), 12-120-214(3), 12-120-314(3), and 12-120-

415(4), C.R.S., a licensee whose license has expired or been retired for more than two years must prove to the Board that the licensee has maintained an active license in another jurisdiction or otherwise is still competent to practice architecture, engineering and/or land surveying. The licensee must complete and submit a reinstatement application that includes reference forms for the period the license has been expired or retired, that verify his or her work experience during that time, and pay a fee. The Board will then determine whether or not the licensee has remained competent to practice in the profession and should be reinstated. The Board has the discretion to require further examination and/or education of licensees who do not otherwise demonstrate active practice or competence.

- (1) **Reinstatement of Expired or Retired Licenses More Than Two Years for Architects ONLY.** In addition to the requirements set forth in Board Rule 1.4(l)(1)(b), an expired or retired architect license may be reinstated by obtaining twenty-four CEHs, as set forth in Board Rule 1.4(l)(3)(a), acquired within the two years immediately preceding the date the application was received.



(a) **Repealed.**

(2) **Reinstatement of Expired or Retired Licenses More Than Two Years for Land Surveyor ONLY.** In addition to the requirements set forth in Board Rule 1.4(I)(1)(b), an expired or retired land surveyor license may be reinstated by obtaining thirty CEHs, as set forth in Board Rule 1.4(I)(3)(b), acquired within the two years immediately preceding the date the application was received.

c. **Reinstatement of Expired License More Than Six Years for Land Surveyors ONLY.** A licensee whose Professional Land Surveyor license has expired for more than six years shall be required to re-take the Colorado state specific land surveying examination, in addition to all other current requirements for a complete reinstatement application at the time of submittal.

d. **Case Settlement.** A licensee may not be allowed to retire their license to settle or avoid disciplinary action by the Board.

2. **Reactivation of Inactive Licenses for Architects and Land Surveyors ONLY.**

a. **Reactivation of Inactive License to Active within Two Years or Less.**

(1) **Architects.** Should a licensee wish to resume the practice of architecture two years or less after being placed on an inactive licensee list, the licensee shall file a proper application, pay the proper license reactivation fee, and meet the continuing education requirements for the period while inactive. Each month that the license has been inactive shall require one CEH acquired within the two years immediately preceding the date the application was received, and as set forth in Board Rule 1.4(I)(3)(a).

(2) **Land Surveyors.** Should a licensee wish to resume the practice of land surveying two years or less after being placed on an inactive licensee list, the licensee shall file a proper application, pay the proper license reactivation fee, and meet the continuing education requirements for the period while inactive. Each month that the license has been inactive shall require one CEH acquired within the two years immediately preceding the date the application was received, and as set forth in Board Rule 1.4(I)(3)(b).

b. **Reactivation of Inactive License to Active more than Two Years.**

(1) **Architects.** Pursuant to section 12-20-203(3), C.R.S., a licensee whose license has been inactive for more than two years must prove to the Board that the licensee has maintained an active license in another jurisdiction or otherwise is still competent to practice architecture. Should a licensee wish to resume the practice of architecture more than two years after being placed on an inactive licensee list, the licensee shall file a proper application, pay the proper license reactivation fee, and meet the continuing education requirements for the period while inactive, or at the discretion of the Board. An inactive architect license may be reactivated by obtaining twenty-four CEHs acquired within the two years immediately preceding the date the application was received, and as set forth in Board Rule 1.4(I)(3)(a).



- (2) **Land Surveyors.** Pursuant to section 12-20-203(3), C.R.S., a licensee whose license has been inactive for more than two years must prove to the Board that the licensee has maintained an active license in another jurisdiction or otherwise is still competent to practice land surveying. Should a licensee wish to resume the practice of land surveying more than two years after being placed on an inactive licensee list, the licensee shall file a proper application, pay the proper license reactivation fee, and meet the continuing education requirements for the period while inactive, or at the discretion of the Board. An inactive land surveyor license may be reactivated by obtaining thirty CEHs acquired within the two years immediately preceding the date the application was received, and as set forth in Board Rule 1.4(I)(3)(b).
- c. **Reactivation of Inactive Land Surveyors License More Than Six Years.** A licensee whose land surveyor license has been inactive for more than six years shall be required to re-take the Colorado state specific land surveying examination, in addition to all other current requirements for a complete reinstatement application at the time of submittal. ~~Practicing with an Inactive License.~~ Engaging in the practice of architecture or land surveying while on inactive status shall constitute practice without an active license (respectively) and, therefore, may be grounds for disciplinary action, up to and including revocation.
- d. **Reactivation of Inactive License More Than Six Years.** A licensee whose land surveyor license has been inactive for more than six years shall be required to re-take the Colorado state specific land surveying examination, in addition to all other current requirements for a complete reinstatement application at the time of submittal. **Practicing with an Inactive License.** Engaging in the practice of architecture or land surveying while on inactive status shall constitute practice without an active license (respectively) and, therefore, may be grounds for disciplinary action, up to and including revocation.
- e. **Case Settlement.** A licensee may not be allowed to inactivate their license to settle or avoid disciplinary action by the Board
3. **Renewal of Licenses.**
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- b. **Professional Land Surveyors.**
- (1) **Continuing Education Requirements for Renewal.**
- (a) **Statutory Basis.** Pursuant to 12-120-104(3)(c), C.R.S. the Board shall adopt rules establishing requirements for continuing education (CE) that a professional land surveyor shall complete in order to renew a license.
- (b) **Requirements.** Professional land surveyors shall complete Continuing Education Hours (CEH) in land surveying subjects and participate in a process or procedure that demonstrates the licensee obtained the required continuing education in order to renew a license to practice land surveying in Colorado.

- (c) **Continuing Educations Hours (CEH).** One CEH shall consist of fifty to sixty minutes of continuous actual educational instruction, presentation, or activity, spent in structured educational activities intended to increase or update the licensee's knowledge of, and thereby become more competent in, technical and professional subjects related to the practice of land surveying.

An activity must be a minimum of one CEH. Above this one CEH, an activity of an additional fifteen-minute increments may be credited and will equal .25 CEH (i.e. a seventy-five-minute activity = 1.25 CEH).

- (d) **Credit Required for License Renewal.** Beginning with the 2027 renewal cycle, licensees shall have completed a minimum of 30 CEHs during each two-year period on October 31 of each odd numbered year. Licenses expire October 31, in odd numbered years. The reporting period for CEHs in order to renew a license is the odd calendar year in which the license expires. In odd calendar years the licensee has until midnight (MST) on December 31, to complete these CEH.

CEHs may be acquired at any location and need not be acquired within Colorado

- (e) **Carryover of CEH Credit.** If a licensee exceeds the 30 hours of qualified continuing professional education during the two-year period, the licensee may carry forward a maximum of 15 hours into the first year of the next two- year period.

- (f) **Land Surveying Subjects.** Land Surveying subjects are defined as technical and professional subjects related to land surveying and consist of consisting of basic surveying, boundary law, description writing, public land survey system, surveying sciences, and as defined as professional land surveying within section 12-120-302(5), C.R.S.

Land surveying sciences include, but are not limited to, construction staking, hydrographic surveying, photogrammetry, topography, laser scanning, and LiDAR.

- (g) **Process of Procedure that Demonstrates the Land Surveyor Obtained the Required CEH.** A process or procedure that demonstrates CEH was obtained may be in the form of one of the following:

- (i). Certificate of Completion;
- (ii) Board Approved Transcripts; or
- (iii) A structured report process in a format defined by the Board.

Refer to Board Rule section 1.4(3)(b)(1)(k) Recordkeeping, for the record keeping requirements for these documents.

- (h) **Acceptable Continuing Education Activities.** The Board deems the following types of activities to be acceptable:
- (i) **Academic Coursework.** One semester credit hour may be counted for a maximum of fifteen CEHs:
    - One quarter credit hour may be counted for a maximum of ten CEHs.
    - One semester credit hour for audited classes may be counted for a maximum of eight CEHs.
    - One quarter credit hour for audited classes may be counted for maximum of five CEHs.Academic coursework shall be completed at a U.S. regionally accredited college or university.
  - (ii) **Formal Certification Programs, e.g. CFedS, Certified Surveying Technician, Remote Pilot Certificate, Certified Floodplain Manager, Geographic Information System Professional.**
  - (iii) **In-house training.** Active participation in coursework, seminars, or professional or technical presentations.
    - CEHs are awarded as established by recognized continuing education providers, such as NCEES, NSPS, PLSC, etc.
  - (iv) **Presentations.** CEHs for presenters shall be awarded two CEHs per one presentation contact hour at lectures, seminars, and/or workshops. CEHs shall be recognized for the initial presentation only.
  - (v) **Professor and Educator.** This includes teaching assigned courses at college, university, or other educational institutions. CEHs shall be awarded two CEHs per one course contact hour. CEHs shall be awarded for the initial presentation only.
  - (vi) **Publishing a relevant technical article, chapter, or book.** Initial publication shall be awarded five CEHs upon placement in a journal, periodical, or book.
  - (vii) **Active Participation Service** on a board or committee of a public, professional, or technical society nature shall be awarded a maximum of two CEHs per renewal cycle for each position and no more than six CEHs per renewal cycle overall.
  - (viii) **Ethics for Land Surveyors Course.** A maximum of two CEH per renewal cycle can be awarded

- (ix) Self-Study - Structured. These may be printed or online materials, CDs or DVDs containing continuing education activities the land surveyor completes individually. Refer to Board Rule 1.4(l)(3)(b)(1)(g) for documentation requirements.
- (i) **Unacceptable Continuing Education Activities.** The Board deems the following to be unacceptable:
  - (i) Equipment/software vendor presentations;
  - (ii) Rendering pro bono services;
  - (iii) Attendance at licensing or registration board meetings or any other professionally relevant board or committee meetings;
- (j) **No Pre-Approval of Continuing Education Activities.** The Board will not pre-approve individual activities, courses, or programs. It is within the discretion of the Board to deny credit for any activity that does not meet the continuing education criteria in Board Rule 1.4(l)(3)(b)(1)(h) or the definition of a land surveyor subject in Board Rule 1.4(l)(3)(b)(1)(f).
- (k) **Record keeping.** CEHs shall be documented. The documentation shall be maintained by the land surveyor for six years from the date of award
  - (i) The documentation shall contain no less than the following information:
    - (aa) Land Surveyor name;
    - (bb) Activity date;
    - (cc) Activity title and description of content and objectives;
    - (dd) Sponsor/Continuing Education Provider (e.g. organization, institution, association, employer, publication) name and contact information;
    - (ee) Instructor/Monitor/Facilitator name and contact information, as applicable; and,
    - (ff) Number of CEHs.
  - (ii) Board Approved Transcripts obtained to comply with this Recordkeeping requirement shall be from organizations/programs that can ensure all information in rule 1.4(l)(3)(a)(2)(n)(i) is available upon request and the transcript shall contain no less than:
    - (aa) Land Surveyor name;

(bb) Activity date;

(cc) Activity title; and,

(dd) Number of CEHs.

(l) **Exemptions.** A land surveyor shall not be subject to the requirement for CEHs in order to renew a license, if during the current renewal period:

(i) The licensee holds an inactive license pursuant to section 12-20-203, C.R.S.; or,

(ii) The licensee was initially issued their Colorado license by examination during the current renewal period (November 1st of even numbered year through October 31st of odd number year) immediately preceding the license expiration date.

(iii) The licensee was called to federally funded active military duty for more than 120 days for the purpose of serving in a war, emergency, or contingency that falls within a renewal cycle or within the six months following the completion of service in the war, emergency, or contingency.

Such licensees shall be required to meet all other licensure requirements, including compliance with the Land Surveyor Practice Act and Board Rules, and the payment of renewal fees.

(m) **Hardship Exceptions.** The Board may grant exceptions to the requirements set out in Board Rules 1.4(l)(3)(b)(1)(b) and 1.4(l)(3)(b)(1)(d) for reasons of individual hardship including, but not limited to, health or other good cause. It is within the sole discretion of the Board to decide in particular cases whether good cause has been shown in order to grant exceptions. A licensee shall not be eligible under this section for two consecutive renewal periods except in the case of military service.

Requests for exception must be submitted in writing to the Board and must include evidence and an explanation, citing in as much detail as possible, the inability of the licensee to comply and why the license should remain in active status.

(n) **Audits.** Documentation of CEHs may be audited by the Board for verification of compliance with these requirements at any time.

If the Board disallows any CEHs then the licensee shall have sixty days from notice of such disallowance to:

(i) Provide further evidence that the disallowed CEHs meet the criteria established by these Rules; or,

- (ii) Provide documentation of having completed additional CEHs during the required time frame; or,
- (iii) Request the Board allow other CEH to apply towards the disallowance and/or deficiency (but such CEHs shall not again be used for any other calendar year requirement including the next renewal period and/or reinstatement).

(o) **Compliance with Continuing Education Requirements.**

- (i) Licensees shall cooperate with the Board to determine compliance with the continuing education requirements.
- (ii) Licensees shall provide all documents requested for review or audit within the day specified in the Board's written request.

**J. Reporting of Malpractice and Life Safety Claims That Have Been Settled or Upon Which Judgment Has Been Rendered**

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4. **Board Jurisdiction.** The jurisdiction of the Board relates to individual licensees and not to architecture, engineering or land surveying firms. Regardless of whether the malpractice or life safety claim was against an individual licensee or against a partnership, corporation, limited liability company, or joint stock association of which such licensee was a member or employee, the licensee who was in responsible charge for the action subject to such malpractice or life safety claim shall report the claim within sixty days of the ~~date that clearly reflects the date the settlement is signed by the licensee (or their representative), or the effective date noted within of the date of settlement or judgment for said claim, whichever date is the latest.~~ If more than one architect, engineer and/or land surveyor is a party to the same settlement or judgment, each licensee shall file a report with the Board.

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**1.6 Rules of Professional Land Surveying Practice**

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**E. Standards for Land Surveys**

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2. **Responsibility to Research Records.** The licensed professional land surveyor shall conduct or be responsible for conducting such research activities that are needed to properly define the property boundary relative to instruments of record and show all visible evidence that may affect ownership and property rights. This may include record research at the County Clerk and Recorder's Office, the Colorado Department of Highways, the State Office of the Bureau of Land Management, the County Surveyor's Office, an abstractor's office, and any other appropriate local offices; as well as field research of physical features and monuments and any other features significant in the locality. Instruments of record may be obtained from an abstract, title commitment, or title policy.

The property description required in section 38-51-106(i), C.R.S., must reference the source instrument(s) of record.

3. **Procedural Techniques**

- a. **Professional Land Surveyor Responsibility.** The licensed professional land surveyor shall, under his personal direction, cause a survey to be executed, connecting all available monuments necessary for the boundary location as well as physical and parol evidence and coordinate the facts of such survey.
- b. **Surveys Shall Reference Corners.** Surveys based on the United States Public Land Survey System shall be referenced to original or properly restored corners. The "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States" shall be used as a guide for the restoration of lost or obliterated corners and subdivision of sections into aliquot parts. Residential subdivision layouts shall conform to local subdivision ordinances (standards and regulations). Lot surveys within such subdivisions shall be referenced to existing corner monuments within the subdivision as necessary to verify the survey.

A copy of the "United States Department of the Interior, 2009 Manual of Surveying Instructions: For the Survey of the Public Lands of the United States" is available for public inspection. Incorporation of this material does not include any later amendments or editions. For information regarding how this material can be obtained or examined, contact the Board's program director, at the Department of Regulatory Agencies, Welcome Center, 1560 Broadway, Civic Center Plaza, Denver, Colorado, 80202. This material is also available from the U.S. Department of the Interior, Bureau of Land Management, at [www.blmsurveymanual.org](http://www.blmsurveymanual.org) or NSPS at [www.nsps.us.com](http://www.nsps.us.com).

4. **Monuments Shall Conform to Statutes.** The professional land surveyor will assure that the monuments established or re-established conform both in location and physical character with the specifications called for in section 38-51-104, C.R.S. Each found monument verified in location shall be restored or rehabilitated as necessary so as to leave it readily identifiable and reasonably durable. Physical standards for Public Land Survey System monuments can be found in Board Rule 1.6(D).

- a. **Documenting New and Existing Monuments.** If a monument is set, as a result of a land survey, that represents the same corner or control corner of an existing monument, the professional land surveyor setting the new monument shall, on the resulting land survey plat, make note of the reason the professional land surveyor did not accept the existing monument.
- b. **Monumentation of Natural Water Boundaries.** A stream, creek, river, or shoreline is itself a natural monument. The surveyor must conduct research to determine if the stream, or any part thereof, is the intended boundary line. The acceptance of the stream, creek, river, or shoreline as a natural monument complies with section 38-51-104(1)(a), and Section 38-51-105(1)(a), C.R.S. Where a riparian boundary is described as the thread of a non-navigable stream or to some water boundary, no further artificial monumentation is required.

5. **Plat Deposit Requirements**

- a. **Plats to be Deposited.** All plats required to be prepared pursuant to section 38-51-107, C.R.S., shall be deposited with the county in which said survey was performed and a copy of the plat shall be delivered to the client. In addition to the



requirements set forth in section 38-51-107, C.R.S., a plat must also be prepared and deposited for any monument found substantially at variance (according to Board Rule 1.6(E)(6)), with dimensions shown on deposited or filed plats or if the monument results in conflicting boundary evidence which has not previously been shown on a plat deposited or filed in accordance with section 38-51-107(1), C.R.S. Said plat shall comply with all applicable provisions of sections 38-51-107 and 38-50-101 C.R.S.

- b. **Documents Other Than Plats or Improvement Location Certificates Require Statement.** If under the terms of a contract or by client agreement, a professional land surveyor performs work other than that which specifically calls for a land survey plat, improvement survey plat, or Improvement Location Certificate ("ILC"), the professional land surveyor must provide a written explanation on the document of the nature and purpose of the document being supplied to the client. Any such explanatory statement shall be provided solely for the purpose of clarifying the nature and purpose of the client's document and shall not be a means by which the professional land surveyor may avoid professional responsibilities as established by Colorado law and the generally accepted standards of the practice of land surveying.

- c. It is the interpretation of the Board that section 38-51-107(2), C.R.S. was intended to apply to the original surveyor of the platted subdivision only. This opinion is supported by sections 38-51-105(1)(a), (4)(b), 38-51-107(1), 38-51-104(1)(a) and 24-4-104, C.R.S. and longstanding boundary principles regarding the original surveyor.

6. **Precision and Accuracy Standards.** The professional land surveyor shall use his/her professional expertise and judgment to determine the precision and accuracy required for a given project. The precision and accuracy standards shall meet or exceed the minimum standard of care established by the profession in Colorado.

7. **Improvement Survey Plat.** It is the Board's interpretation that the following language cited in section 38-51-102(9), C.R.S. to mean that all recorded easements, or apparent easements, affecting the subject property shall be shown.

"...and all easements, underground utilities, and tunnels for which properly recorded evidence..."

The Board does not interpret underground utility location (designation) to be a requirement for improvement survey plats.

#### F. ~~Minimum~~ Standards for Improvement Location Certificates

1. **Field Procedures.** Professional notes shall be taken on all Improvement Location Certificates ("ILCs") and kept as part of the surveyor's permanent record. A diligent search for existing control shall be made by field crews and the highest order of control available shall be used. The professional land surveyor must use such control as is necessary to accurately locate all lines, structures, and topographic features shown on the ILC.
2. **Drafting.** A sketch or diagram of the parcel shall be used in support of the certificate required by section 38-51-108, C.R.S., and the following standards shall be used:

- a. Deed lines with the boundary dimensions from the deed description or plat shall be shown.
  - b. Major improvements (permanent structures) shall be shown with dimensions and descriptions (e.g. residences, garages, in-ground pools).
  - c. Repealed.
  - d. Minor improvement locations shall be shown graphically (e.g. out buildings with foundations, concrete walks, drives).
  - e. Plat and apparent easements shall be shown.
  - f. The posted address shall be shown; if not posted, so state.
  - g. The legal description shall be shown, and the source shall be stated.
  - h. A north arrow and statement of scale shall be shown.
  - i. Apparent encroachments shall be noted and shown in an obvious manner. When the level of certainty of dimensions to possible encroachments are not precise enough for a positive determination, a boundary survey shall be recommended.
  - j. State specifically or graphically show evidence used to determine the apparent deed lines.
  - k. State source of where record easement information was obtained and graphically show on the improvement location certificate sketch. If information was obtained from a title company, state which title company and the commitment number.
3. **Research, Documentation and Information.** The surveyor shall perform adequate research, maintain adequate documentation in his/her records, and provide the field crews with adequate information to determine the property dimensions in the field.
  4. **Misuse of Improvement Location Certificates.** It is the interpretation of the Board that section 38-51-108, C.R.S., limits the use of Improvement Location Certificates to real estate transactions only. As ILCs are legally deficient in the determination of property boundaries, they shall not be "...relied upon for the establishment of fence (s), building (s), or other future ..." improvements.

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#### **K. Required Monumentation for Land Survey Plats.**

The Board recognizes the ambiguities that exist in statutes 38-51-102 through 38-51-107 pertaining to land survey plats [38-51-102(12)], monumented land surveys [38-51-102(13)], and monumentation of land surveys [38-51-104(1)(a)]. The purpose of this Rule is to clarify when the complete monumentation of a land survey or monumented land survey is required.

1. Monumented land survey [38-51-102(13)]. For the words, "to mark the boundaries of a specified parcel of land" [emphasis added], the Board interprets the word "boundaries" as plural and the words "specified parcel" to mean that all corners of the parcel must be found or set.
2. Monumentation of land surveys [38-51-104(1) (a)]. For the words, "any line points or reference points which are set to perpetuate the location of any land boundary"

[emphasis added], the Board interprets the words “any” and “boundary” to be singular and thus not requiring all corners of the boundary of a parcel to be set. The surveyor may set only the corners marking the line, or lines, of the boundary requested by the client and any resultant drawing would be labeled a Land Survey Plat, and shall be deposited if required by section 38-51-107, C.R.S.

#### **L. Monumentation of ALTA/NSPS Land Title Surveys.**

It is the Board’s interpretation that the Minimum Standard Detail requirements for ALTA/NSPS Land Title Surveys cannot be met without all monuments being found or set, even if item 1 of Table A Optional Survey Responsibilities and Specification is not requested. The ALTA/NSPS Land Title Survey is considered by the Board to be a monumented land survey and a land survey plat shall be deposited if required by section 38-51-107, C.R.S.

#### **M. Description of Monuments.**

Section 38-51-106(1)(f), C.R.S., requires professional land surveyors to provide “a description of all monuments, both found or set, that mark the boundaries of the property and of all control monuments used in conducting a survey.”

1. **Purpose.** The purpose of this statute is to identify the physical attributes of the monuments and caps set or found during the original survey and subsequent retracement surveys.
2. **Acceptable description of monuments.** Description of monuments found or set should include, but not be limited to the physical attributes and size of the monument, and the physical attributes and size of the cap. Examples would be:
  - a. Found 4” x 8” x 18” stone, projecting 12” above ground, scribed with one slash on the east face and five slashes on the west face.
  - b. Set #5 rebar, 24” long, with a 1.5” aluminum cap, stamped “A Survey Co. PLS 99999”, projecting 0.2’ above ground.
  - c. Found #4 rebar, with a 1” yellow plastic, marked “A Survey Co. PLS 99999”, flush with ground.
3. **Unacceptable description of monuments.**
  - a. Set Pin & Cap.
  - b. Found stone appropriately marked.
  - c. Found rebar.
  - d. Fnd. #5 rebar, 24” long, with a 1.5” AC, stamped “A Survey Co. PLS 99999”, projecting 0.2’ above ground. This is unacceptable, unless the abbreviations are defined in a legend.
  - e. Utilizing found monumentation as witness or reference corners when not supported by documentation for the purposes of circumventing the requirements of Board Rule 1.6(E)(4)(a).

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## **Editor's Notes**

### **History**

Entire rule eff. 04/01/2008.

Rules 3.1.2, 4.9 eff. 12/31/2008.

Entire rule eff. 01/01/2010.

Entire rule eff. 01/01/2011.

Rules 4.8.2.2.1, 4.8.3 eff. 06/01/2011.

Rules 2.1, 1.2.2, 2.2, 3.1.9, 3.2.1.1, 4.1.1.3, 4.1.1.8, 4.3.3, 4.3.5, 4.7.2.2, 4.7.2.3, 4.9.1, 4.9.2, 4.9.3.1.2, 5.2.3, 6.2.3, 7.1.4 eff. 01/01/2012.

Rules 2.1-2.2, 3.1.10, 4.1.1.3, 4.1.1.6, 4.1.1.7-4.1.1.10, 4.3.4-4.3.5, 4.4.1, 4.5, 4.5.2-4.5.4, 4.6.1.10, 4.6.2.5, 4.6.7, 4.7.1.2, 4.7.1.4, 4.7.2.1, 4.8.2.1-4.8.2.2, 4.8.6, 4.9.1-4.9.1.2.1.1, 4.9.3.1.2.5, 4.9.3.1.2.15-4.9.3.1.2.16, 4.10.1, 4.11, 5.2.2, 6.5.1, 6.5.1.1, 6.5.4-6.5.4.2, 7.1.1, 7.1.5, 7.2 eff. 09/01/2015. Rules 4.4.1.1, 4.6.1.3, 4.6.2.3, 4.8.4, 4.10.2, 6.6.2(c), 7.1.7, 7.3 repealed eff. 09/01/2015.

Rule 4.9.1 eff 03/17/2017. Rules 4.9.1.1.1.1, 4.9.1.2.1.1 repealed eff 03/17/2017.

Rules 4.6.5, 4.8.1 emer. rules eff. 05/15/2019.

Rules 4.6.5, 4.8.1 emer. rules eff. 06/14/2019.

Rules 4.6.5, 4.8.1 eff. 09/14/2019.

Rules 1.2 A, 1.2 B.17.b, 1.3 A.3, 1.3 A.10.a, 1.3 C.3.a, 1.3 D.6, 1.3 E.2, 1.4 A, 1.4 F.1.d, 1.4 F.2.e, 1.4 G.2.a, 1.4 H.2.c, 1.4 I.1.a.(1), 1.4 I.1.b.(1), 1.4 I.3.a.(2)(d), 1.4 I.3.e, 1.4 I.3.(g), 1.4 I.3.(k), 1.4 I.3.(l)(iv), 1.4 I.3.(n)(ii), 1.4 I.3.(q)(iii), 1.4 K.1.d, 1.5 A, 1.6 A.2, 1.6 A.3, 1.6 A.7, 1.6 B, 1.6 D.3, 1.6 E.3, 1.6 L, 1.7 B eff. 08/14/2020.

Rules 1.7 A.2-3 eff. 08/30/2020.

Rules 1.4 A.1.g, 1.4 I.1.a.(1), 1.4 I.1.b, 1.4 I.2.a-b, 1.4 I.3.a.(2)(a)(c)(e)(g)(h)(i), 1.4 I.3.a.(2)(k)(ii)(vi), 1.4 I.3.a.(2)(l)(ix), 1.4 I.3.a.(2)(n), 1.4 I.3.a.(2)(r)(ii), 1.4 K.1 eff. 10/30/2021. Rules 1.4 I.3.a.(2)(j)(v), 1.4 I.3.a.(2)(l)(iv) repealed eff. 10/30/2021.

Rule 1.9 emer. rule eff. 10/14/2022.

Rule 1.9 eff. 11/30/2022.

Rule 1.9 repealed eff. 01/30/2024.

### **Annotations**

Rules 1.9 B. and 1.9 C. (adopted 10/14/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.