

Palau Legal

Access to Palau's Laws and Other Legal Materials

RPPL No. 1-33

FIRST OLBIIL ERA KELULAU

RPPL NO. 1-33

Sixth Regular Session, 1982 (Intro. as SB No. 251, SD2, HD1)

AN ACT

To regulate the practice of land surveying in the Republic of Palau, to provide for the appointment of a national surveyor and a board of land survey examiners, to repeal Chapter 1 of Title 31 of the Trust Territory Code, and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Short title. This Act may be cited as the "Land Surveyors Registration Act".

Section 2. Reference to land surveyors. Where in any law of the Republic of Palau a reference is made to a surveyor as a registered surveyor, that reference shall be read as a reference to a registered land surveyor within the meaning of this Act.

Section 3. Practice of land surveying defined. The practice of land surveying means a person who practices surveying within the meaning of this Act, either in a public or private capacity, and who does or offers to do any of the following:

- (a) Locates, relocates, establishes, re-establishes, or retraces any property line or boundary of any parcel of land or any road, right-of-way, easement, reserve, etc.
- (b) Makes any survey for the subdivision or re-subdivision of any tract of land.
- (c) By the use of the principles of land surveying, determines the position for any monument or reference point which marks a property line, boundary or corner, and sets, resets or replaces any such monument or reference point.
- (d) Determines the configuration or contour of the earth's surface or the position of fixed objects thereon or related thereto, by means of measuring lines and angles, and applying the principles of trigonometry.
- (e) Practices geodetic or cadastral surveying.
- (f) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subsections (a) through (e) of this section.
- (g) Indicates, in any capacity or in any manner, by the use of the title "land surveyor," or by any other title or representation, that he practices or offers to practice land surveying in any of its branches.
- (h) Procures or offers to procure land surveying work for himself or others.
- (i) Manages, or conducts as manager, proprietor, or agent, any place of business from which land

surveying work is solicited, performed or practiced.

Section 4. Application of Act. This Act applies only to:

- (a) Surveys of the boundaries of land, or surveys for the purpose of the establishment, re-establishment or determination of titles to land; and
- (b) Any activity performed in relation to the practice of land surveying as defined in Section 3 of this Act.

Section 5. Duties of national surveyor. The national surveyor is charged with the general administration and supervision of this Act. The chief of the division of lands and surveys is the national surveyor.

Section 6. Disposition of fees. All fees received pursuant to this Act shall be deposited in the national treasury for appro-

priation by the Olbiil Era Kelulau.

Section 7. Trainees or apprentices. A registered land surveyor, who has a trainee, apprentice or cadet surveyor, shall permit the trainee, apprentice or cadet surveyor a reasonable time for the purpose of attending lectures or gaining practical experience which is included in the course of traineeship, apprenticeship or cadetship undertaken by the trainee, apprentice or cadet surveyor by arrangement with a registered land surveyor.

Section 8. Prohibited practices. (a) It shall be a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than one thousand dollars, or imprisonment for not more than one year, or both, for any person to:

- (1) Practice, or offer to practice, or hold himself out as entitled to practice, land surveying except when authorized by this Act;
 - (2) Use or attempt to use a certificate of registration that has expired or has been suspended or revoked;
 - (3) Present or use as his own the certificate of registration of another;
 - (4) Stamp or seal any document with the seal of a registrant after the certificate of the registrant has expired or has been suspended or revoked; or
 - (5) Otherwise violate any provision of this Act.
- (b) It shall be a felony punishable by a fine of not more than five thousand dollars, or imprisonment for not more than three years, or both, for any person to present any false or forged information or evidence in applying for registration under this Act.
- (c) In addition to any other remedy provided by law, upon request of the board an action may be filed in the name of the

national government of the Republic of Palau in the trial division of the Supreme Court to restrain or enjoin the commission or continuance of any acts in violation of this Act. In any such proceeding it shall be unnecessary to allege or prove that an adequate remedy at law does not exist or that irreparable damage would result if the relief requested were not granted.

Section 9. Board of Examiners created; composition; qualifications of members. There is hereby created a board of land surveyor examiners which shall consist of five members who are citizens of the Republic of Palau, appointed by the President of the Republic. The President shall designate one member as chairman.

Section 10. Removal of members; vacancies. The President of the Republic may remove any member of the board for misconduct, incompetence, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled by appointment by the President of the Republic as provided in Section 9 of this Act.

Section 11. Compensation of members. Members of the board shall be reimbursed for reasonable and necessary expenses incurred in the course of their official duties.

Section 12. Clerical and logistic support by division of lands and surveys. The division of lands and surveys shall provide the board with necessary clerical personnel, office facilities and other logistic support.

Section 13. Promulgation of rules and regulations. The board is hereby authorized to make rules and regulations needed in performing its duties consistent with law. Such rules and regulations shall be subject to approval by the President of the Republic and promulgated in accordance with applicable law.

Section 14. Meetings; quorum; vote required to arrive at decision. The board shall meet at such times and places as it may prescribe, but shall hold at least two regular meetings in each year. The chairman may call special meetings. At all meetings the presence of three members shall constitute a quorum, and the concurrence of three members shall be required in arriving at any decision.

Section 15. Records; list of registered surveyors. The board shall keep a complete record of all applications for registration together with the board's action thereon and shall annually, during the month of July, prepare a list showing the names, places of business and residences of all registered land surveyors for publication. A copy of the list shall be filed with the chief of lands and surveys.

Section 16. Annual report. The board shall prepare a printed annual report of its activities for the past fiscal year, which shall be submitted to the President of the Republic not later than the first day of December of each year.

Section 17. Registration required. No person shall practice or offer to practice land surveying, or use in connection with his name, or otherwise use, assume, or advertise, any title or description to convey the impression that he is a land surveyor, unless such person has qualified as such by registration as a land surveyor or is otherwise exempt under this Act.

Section 18. Acts construed as practicing surveying. A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this Act who:

- (a) Practices land surveying; or
- (b) By oral or written claim or sign, advertising, letter-

head, card or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is such; or

- (c) Holds himself out as able to perform, or who does perform, any surveying, service or work or any other professional service designated by him as land surveying, or generally recognized as such.

Section 19. Qualifications; residency; age; character; knowledge. No person shall be eligible for registration as a land surveyor under this Act unless he:

- (a) Is a resident of the Republic of Palau;
- (b) Is of good character and repute; and
- (c) Meets the professional qualifications prescribed by this Act.

Section 20. Same; training; experience. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor:

- (a) Graduation from a university, college, institute or school approved by the board as being of satisfactory standing, including the completion of an approved course in surveying, and a specific record of an additional two years or more of experience in land surveying of a character satisfactory to the board, and indicating that the applicant is competent to practice land surveying and passing the prescribed examination; or
- (b) A specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying and has passed the prescribed oral and practical examinations set by the board; or
- (c) A specific record of eight years or more of lawful practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying and has passed the prescribed examinations set by the board, provided, that the applicant is not less than thirty-five years of age and provided that the eight years or more of lawful practice in land surveying work was gained before July 1967.

Section 21. Same; credits for experience. In considering the qualifications of applicants as to experience under Section 20 of this Act:

- (a) Teaching of land surveying in an approved curriculum in a university, college or school approved