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**Board of Licensure for  
Professional Engineers and Land Surveyors**

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March 5, 2009



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Representative Spencer Collier  
P.O. Box 550  
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Rule Number: 34-11-2(c)

General Question: Is the term "marine surveyor"  
protected under the referenced section?

Dear Representative Collier:

This declaratory ruling of the Board of Licensure for Professional Engineers and Land Surveyors is issued in response to your request.

QUESTION

Can an individual who does not hold a professional land surveyor's  
license hold themselves out to be a marine surveyor?

FACTS, LAW, AND ANALYSIS

Section 34-11-2(c), Code of Alabama, 1975 identifies that certain use of titles are protected. In part the section cites that

"...It shall be unlawful for any person to practice or offer to practice land surveying in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor, professional land surveyors, professional land surveying, or any modification or derivative thereof, tending to convey the impression that he or she is a professional

land surveyor unless the person has been duly licensed or is exempt from licensure under this chapter.”

Section 34-11-1(8), Code of Alabama, 1975 defines the practice of land surveying in part as any professional service relative to the location, size, shape, areas, volumes, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth. One aspect of land surveying is defined as locating, relocating, establishing, reestablishing, laying out or retracing any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of all real property whether or not fixed works are sited or proposed to be sited on the property.

The United States Coast Guard’s Model Maritime Service Code references an individual who performs a survey to determine the sea worthiness of maritime vessels as a marine surveyor.

Correspondence received from the National Association of Marine Surveyors, Inc. and the Society of Accredited Marine Surveyors supports the fact that marine surveyors, as they use the title, perform inspections to marine/maritime vessels to determine their current condition, sea worthiness, and cargo.

#### CONCLUSION

It is the Board’s opinion that the use of the title “Marine Surveyor” by an individual not holding an Alabama Professional Land Surveyor License is allowable as long as that individual is not performing land surveying as defined in Title 34 Chapter 11, Code of Alabama, 1975.



Don T. Arkle, P.E.  
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