



Pennsylvania Society of Land Surveyors

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Myths vs. Facts PA HOUSE BILL 609

✘ Myth

State, county and township geographic information systems (GIS) departments are going to have to employ a licensed professional land surveyor in order to continue performing GIS functions, could tighten licensure requirements for mapping, and infringe upon activities currently performed by GIS technicians and other geospatial-related disciplines.

✔ Fact

This allegation is simply untrue. In fact, HB609 includes specific exclusions to assure it does not impact GIS tasks currently and typically performed by local township, county or state government GIS and mapping departments. HB609, which amends the existing Engineers, Surveyors and Geologist law, Act 367, clarifies and adds nationally recognized parameters to aid in determining when an individual or firm is providing traditional surveying and engineering services that should be performed by licensed and qualified engineers or surveyors. The bill does not expand the definition of land surveying, it helps to add some clarity to existing law to enable unlicensed individuals to better understand services that are and are not subject to professional licensure and to the quality and reliability of data that impacts public health, welfare, and safety.

✘ Myth

HB609 amends the Engineer, Land Surveyor and Geologist Registration Law to expand the definition of land surveying to include “the determination of the position of any structure or equipment in relation to known monuments or reference points” and would require professionals who work with GIS mapping technologies to have specific licenses.

✔ Fact

The language quoted in this myth has long been the law of Pennsylvania (Section 2.j.ii. of Act 367). HB609 does not change this provision of current law.

✘ Myth

HB609 misrepresents the qualifications involved in the use of geospatial technologies (e.g., GPS, GNSS, GIS, UAV).

✔ Fact

The qualifications of a professional land surveyor are regulated by the Pennsylvania State Registration Board for Professional Engineers, Land Surveyors, and Geologists, which has been in existence since 1945. HB 609 does not change defined professional practices within the law. Neither current law, nor HB609, regulates the use of surveying data, equipment or technology. Both simply establish the qualifications of individuals to perform certain professional services that affect public health, welfare, and safety. Nothing in HB609 regulates or licenses the GIS community.

✘ Myth

Affected stakeholder groups (e.g. landscape architects, professional geologists) should have been consulted in the drafting of HB609.

✔ Fact

Landscape architects are not key stakeholders as they are not impacted by HB609 in any way. Landscape architects have their own registration law and licensing board. The practice of geology is defined in the same law as Surveying, Act 367, and specifically prohibits the practice of engineering, land surveying, or landscape architecture for which separate licensure is required.

✘ Myth

GIS firms would be prohibited from producing topographic and contour data by HB609.

✔ Fact

Topography and generation of contour data is and always has been the responsibility of surveyors in Pennsylvania, and most other states, for decades, and long before the invention of GPS and drones. The importance of production of topographic and contour data by design professionals is evidenced that only licensed surveyors or engineers can complete FEMA flood elevation certificates as the ONLY authoritative source for elevations/contours.

✘ Myth

This legislation will inhibit the development and use of new and emerging technology.

✔ Fact

The Engineers, Surveyors and Geologist law, Act 367, is generally technology agnostic. Across the United States, surveying and engineering licensing laws generally do not regulate technology, but rather seek to protect public health, safety, and welfare by assuring that certain services, regardless of the technology used, are performed by appropriately qualified and licensed individuals. With technology changing at a rapid pace, this is a logical and sensible approach, otherwise, laws would need to be amended every time a new technology enters the market. Nothing in HB609 prevents citizen use of GPS or UAV (drones) for common, everyday consumer activities. Rather, the bill seeks to assure that such technology is not abused by the performance of professional services by unqualified individuals who would put public health, safety, and welfare at risk. The bill does not establish legal qualifications of individuals who wish to use any equipment or technology (e.g. GPS, GNSS, GIS, and UAV), but continues the current practice of defining professional services.

✘ Myth

HB609 ignores the fact that a voluntary GIS certification program exists to insure the ethical and responsible performance of duties and assure product quality and accuracy.

✔ Fact

Certification and licensure are not synonymous. No other state has enacted legislation to equate or replace professional licensure of surveyors with a private, voluntary certification program. The requirements for GIS Professional (GISP) certification do not take into account education, experience, competence, or qualifications of individuals to perform surveying and mapping that is equivalent as that required by current Pennsylvania law (Act 367). Moreover, GISP certified practitioners are not required to put a professional seal on their work, do not assume the same risk as a licensed professional surveyor, nor are they held to the same standards, ethics, disciplinary action, or liability of a licensed professional land surveyor or engineer.

✘ Myth

HB609 will result in protectionism by licensed surveyors, effectively excluding other, non-licensed individuals from providing mapping services and stifling competition.

✔ Fact

This bill is not about protectionism, but rather it is intended to protect the public health, safety, and welfare of the Commonwealth as it has done since 1945 so that Pennsylvania citizens are not harmed by unqualified and incompetent practices of individuals without proper education, training, and experience, particularly as it applies to services related to the accurate placement and location of infrastructure and other fixed assets (dams, roads, flood control measures) where injury could be a serious consequence. HB609 in no way affects GIS firms, who can continue to create generalized maps of utilities, streets, and general locations of physical features on the earth. The current law, as well as HB609, continues to put the ongoing responsibility to protect the health, safety, and welfare of the general public on the shoulders of licensed professional land surveyors and engineers.

✘ Myth

HB609 is a narrow, special interest bill that seeks to solve a problem that doesn't exist.

✔ Fact

HB609 is carefully drafted legislation that is intended to clarify major discrepancies in Pennsylvania law created by the decision of the Commonwealth Court of Pennsylvania in *Southeastern Reprographics, Inc. v Bureau of Professional and Occupational Affairs, State Registration Board for Professional Engineers, Land Surveyors and Geologists* (No. 2235 C.D. 2014). The bill is supported by the winning party in that case, Southeast Reprographics (Davey Resource Group, Inc), and the Pennsylvania Society of Land Surveyors (PSLS), Pennsylvania Society of Professional Engineers (PSPE), National Society of Professional Surveyors (NSPS), and National Council of Examiners for Engineering and Surveying (NCEES).

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