

A. New York State Laws, Rules, Regulations and Guidelines

1. NEW YORK STATE Business Corporation Law (BCL)
 - A. 1 BCL §104 – Certificates of Incorporation
 - B. 15 BCL §1503 – Ownership of PC
 - C. 15 BCL §1512 – Name of PC

2. NYS Civil Practice Law & Rules
 - A. 2 CPLR §212 Statute of Limitations to recover Real Property is 10 years.
 - B. 2 CPLR §213 paragraph 2 Statute of Limitations for Breach-of-Contract (incl. omissions) is 6 years.
 - C. 2 CPLR §214 paragraph 6 Statute of Limitations for Negligence including Malpractice is 3 years.
 - D. 2 CPLR §214-c Statute of Limitations is measured from the date of discovery.
 - E. 2 CPLR §214-d Allows injured third parties to sue PE's and LS's within 3 years of their loss, even if 100 years after PE or LS finished his work. See also Senate Bill S4782-2011.
 - F. 52 CPLR §5206 – Homestead Exemption (\$50,000.) from judgments.
 - G. 78 CPLR §7801 Right to sue government.

3. New York State Education Laws (ED) <http://www.op.nysed.gov/title8/>
 - A. Article 130 – General Provisions §6500 - §6516
 1. §6502 Duration of License
 2. §6504 Regulation of Professions
 3. §6509 Definition of Professional Misconduct
 4. §6511 Penalties for Misconduct
 5. §6512 Unauthorized Practice a crime
 6. §6513 Unauthorized use of Professional title a crime
 7. §6514 Criminal Proceedings
 8. §6515 Injunctions against unlawful practice
 9. §6516 Civil enforcement & penalties
 - B. Article 145 – Engineering & Surveying §7200 - §7212
 1. §7201 Defines Professional Engineering
 2. §7203 Defines Land Surveying
 3. §7205 Provides for State Board
 4. §7206 Requirements for licensure
 5. §7208 Exempt persons
 6. §7210 Requires Certificates of Authorization
 7. §7211 Requires Continuing Education for PE's
 8. §7212 Requires Continuing Education for LS's

4. NYS Environmental Conservation Law (ECL)
 - A. Article 17, Title 15 Five or more lot subdivisions (March 2010)
 1. §17-1501 – Applies to 5 or more lot subdivisions
 2. §17-1503 – Local governments can regulate
 3. §17-1505 – Subdivision Plat must be filed
 - a. §17-1505 (1) Cannot be filed w/o Health Dept Approval
 - b. §17-1505 (2) Plan must show sewage systems
 - c. §17-1505 (3) Health Dept must approve installations
 - d. §17-1505 (4) Local Health Dept must follow rules
 4. §17-1511 – County Clerk must inspect and not file plat w/o Health Department Approval.
 5. §17-1513 – Remedy for owner of lot in unapproved subdivision
 - B. DEC Reg §617 SEQRA www.dec.ny.gov
 1. §617.2 Definitions
 2. §617.4 Type I Actions
 3. §617.5 Type II Actions
 4. §617.6 Establishing Lead Agency
 5. §617.7 Determining Significance
 6. §617.9 Preparing Environmental Impact Statements

5. NYS Estates Powers & Trust Laws (EPTL)
 - A. 2 EPTL §1-2-6.a Definition of Estate
 - B. 2 EPTL §1-2.9-a Infant or Minor
 - C. 2 EPTL §1-2.10 "Issue" includes adopted children
 - D. 2 EPTL §1-2.11 Per Capita

- E. 2 EPTL §1-2.14 Per Stirpes
- F. 2 EPTL §1-2.15 Definition of Property
- G. 2 EPTL §6-2.2 Def of Tenants in Common & Joint Tenancy
- H. 3 EPTL §3-5.1 (a)(1) Definition of Real Property

6. NYS General Obligations Law (GOL)

- A. Article 5 §324 Contracts that indemnify Professional are void
- B. Article 5 §331 Restrictive Covenants
- C. Article 5 §703 Parole Evidence Rule
- D. Article 9 §105 Surveyor Right-of-Entry

7. NYS Public Health Laws (PHL)

- A. Article 11, title II §1115-§1120 – Water & Sewer for 5 or more lot subdivisions. (March 2010)
 - 1. §1115 – Subdivision means dividing into 5 or more lots
 - 2. §1116 – Plans must show means of adequate water and approved by local Health Dept.
 - 3. §1117 – Duty of County Clerk to File Plans
 - 4. §1118 – City or County can regulate
 - 5. §1119 – Health Dept Filing Fees
 - 6. §1120 – NYS Commissioner of Health can regulate

8. NYS Highway Laws (HWY)

- A. 7 HWY §140 (8) Town Highways
- B. 8 HWY §170 County Superintendent to make a Survey for laying out Town Highway
- C. 8 HWY §171 Town Highway Dedication
- D. 8 HWY §180 No highways shall be laid out < 3 rods wide, no encroachments allowed.
- E. 8 HWY §189 Highways-by-Use are 10 years, 3 rods wide
- F. 8-A HWY §222 Town Highway specifications
- G. 8-A HWY §224 Town Bridge specifications

9. NYS Real Property Actions & Proceedings Law (RPAPL)

- A. 5 RPAPL §501 - §551 Adverse Possession
 - 1. §501 Adverse Possession
 - 2. §511 Written Claim
 - 3. §512 Elements of Adverse Possession
 - 4. §521 Adverse Possession w/o writing or enclosure
 - 5. §522 Adverse Possession w. Enclosure
 - 6. §543 De Minimus Encroachments

NYS statutes may be obtained online at <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO> :
or complete sets from several reputable vendors such as:

- Consolidated Law Service
- Lawyers Cooperative Publishing
- Lexis Nexis
- Matthew Bender
- McKinneys
- West

10. Rules of the Board of Regents

- a. Part 29 – Unprofessional Conduct <http://www.op.nysed.gov/title8/part29.htm>

11. Regulations of the Commissioner of Education

- a. Part 59 – General Provisions <http://www.op.nysed.gov/title8/part59.htm>
- b. Part 68 Engineering and Land Surveying <http://www.op.nysed.gov/prof/pels/part68.htm>

12. Practice Guidelines

- a. State Board for Engineering and Land Surveying Practice Guidelines
<http://www.op.nysed.gov/prof/pels/l survguide.htm>

B. Miscellaneous

1. *Description of Methods Used in Locating Canal Lands Owned by the State of New York* Prepared in accordance with provisions of Chapter 199, Laws of 1910 and Amendatory Laws, including Chapter 51, laws of 1917.
<http://www.canals.ny.gov/about/compliance/canalstatutes.pdf> ;
http://www.archives.nysed.gov/a/research/res_topics_trans_canal.pdf
2. *Guide to Planning and Zoning Laws of New York State (PDF on-line):*
http://www.dos.ny.gov/lq/publications/Guide_to_planning_and_zoning_laws.pdf

C. SURVEYING TEXTS, MANUALS, ETC.

1. *Subdivision Review in New York State* http://www.dos.ny.gov/lq/publications/Subdivision_Review_in_NYS.pdf
(PDF on-line)
2. Control of land subdivision; a manual of subdivision regulations for municipal officials, subdivision developers and planning boards. (Book, 1967) [[WorldCat.org](http://www.worldcat.org)]
<http://www.worldcat.org/title/control-of-land-subdivision-a-manual-of-subdivision-regulations-for-municipal-officials-subdivision-developers-and-planning-boards/oclc/454453>
3. *Brown's Boundary Control and Legal Principles, 7th Edition.* Brown, Robillard & Wilson
<http://www.wiley.com/WileyCDA/WileyTitle/productCd-111843143X.html>
4. *Evidence & Procedures for Boundary Location, 6th Edition* Brown, Robillard & Wilson
<http://onlinelibrary.wiley.com/book/10.1002/9780470950050>
5. *Clark on Surveying & Boundaries, 8th Edition* Robillard & Bouman <http://www.amazon.com/Clark-Surveying-Boundaries-Walter-Robillard/dp/1558348166>
6. *Geodesy for Geomatics and GIS Professionals*, Elithorp & Findorff, 2003,
http://books.google.com/books/about/Geodesy_for_Geomatics_and_GIS_Profession.html?id=xp3gAAAAMAAJ ,
ISBN 1593990871.
7. *GPS for Land Surveyors, 3rd Edition* Van Sickle <http://www.amazon.com/GPS-Land-Surveyors-Third-Edition/dp/0849391954>
8. *Echoes and Images: The Encyclopedia of Side-scan and Scanning Sonar Operations*, Atherton, OysterInk Pub., Vancouver, BC. ISBN: 978-0-9869034-0-3.
9. *Elastic LIDAR: Theory, Practice and Analysis Methods*, Kovalev & Eichinger, 2004, Wiley & Sons , Pub. ISBN 0-471-20171-5.
10. *Ethics for the Professional Surveyor* Mouland <http://www.amazon.com/Ethics-Professional-Surveyor-collection-thoughts/dp/0910845573>
11. *Definitions of Surveying & Associated Terms* ACSM <http://www.amazon.com/Definitions-Surveying-Associated-American-Congress/dp/0976599104>

12. *Elementary Surveying, 14th Edition* Ghilani & Wolf http://www.amazon.com/Elementary-Surveying-Edition-Charles-Ghilani/dp/0133758885/ref=dp_ob_title_bk
13. *Topographic Laser Ranging and Scanning: Principles and Processing*, Shan & Toth, 2009, CRC Press of Taylor & Francis Group, ISBN 13:978-1-4200-5142-1.
14. *Elements of Photogrammetry with Application in GIS*, 4th Edition, 2014, Wolf, DeWitt & Wilkinson, McGraw-Hill Professional Pub., ISBN: 13-:9780071761123.
15. *Writing Legal Descriptions: In Conjunction with Survey Boundary Control*, Wattles, 1979, GH Wattles Pub., ISBN: 0960696288

D. Additional Resources may be obtained from the following web sites:

1. Law Research Center - www.caselaw.findlaw.com
2. National Council of Examiners for Engineering and Surveying - www.ncees.org
3. NCEES PS Reference Handbook - <https://cdn.ncees.org/wp-content/uploads/2012/11/PS-Ref-Web.v3.pdf>
4. NCEES FS Reference Handbook - http://ncees.org/wp-content/uploads/2013/12/fs_references_1013.pdf

E. Other Helpful Resources

1. *Boundaries & Landmarks: A Practical Manual*, Milford
2. *Boundaries & Adjacent Properties*, Skelton – Out-of-print, but available at local library
3. *Surveying Theory & Practice, 7th Edition (or latest edition)*, Anderson & Mikhail
4. *Surveying, 10th Edition (or latest edition)*, Moffitt & Bossler