

**APPLICANT'S NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

This licensing law and rule examination is an integral part of the application process. All answers can be found at the website: <http://www.landsurveyor.mt.gov> by clicking the "Regulations" tab and using the links to Administrative Rules and Statutes. Please indicate your answers by selecting "T" for true or "F" for false for each statement and typing in the legal reference for the statement. This exam may not be duplicated or shared with other applicants.

<b>Montana Land Surveyor Licensing Law and Rule Questionnaire</b>			
Note: This completed exam must accompany application			
No.	T / F	Statement	Legal Reference
	<input checked="" type="radio"/> / <input type="radio"/>	One of the duties of the Board of Professional Engineers and Professional Land Surveyors (Board) is to investigate, complaints of illegal or unethical conduct of land surveyors licensed by the Board.	37-1-101
1.	<input type="radio"/> / <input type="radio"/>	Under Montana law, it is the duty of all applicants for license or renewal to report any legal or disciplinary actions against them, which relate to the applicant's practice or fitness to practice.	
2.	<input type="radio"/> / <input type="radio"/>	The Board is not obligated by Montana law to enforce rules governing licensure of engineers and land surveyors.	
3.	<input type="radio"/> / <input type="radio"/>	The Board is not required by law to conduct a contested case hearing when a license is denied or a probationary license is issued.	
4.	<input type="radio"/> / <input type="radio"/>	The Board cannot issue subpoenas in connection with investigations and disciplinary proceedings.	
5.	<input type="radio"/> / <input type="radio"/>	A person or private entity, filing a complaint in good faith is immune from suit in a civil action related to filing or contents of the complaint.	
6.	<input type="radio"/> / <input type="radio"/>	Assisting in the unlicensed practice of a profession or occupation or allowing another person or organization to practice or offer to practice by use of the licensee's license is considered unprofessional conduct by Montana law.	
7.	<input type="radio"/> / <input type="radio"/>	Teaching of land surveying subjects is not defined as land surveying in Montana.	
8.	<input type="radio"/> / <input type="radio"/>	A person must be considered to practice land surveying, within the meaning and intent of Montana law, who by verbal claim, advertisement, letterhead, card, or in any other way represents that the person is a land surveyor.	
9.	<input type="radio"/> / <input type="radio"/>	A person is practicing land surveying, within the meaning and intent of Montana law, when by verbal claim, advertisement, letterhead, card, or in any other way they represent that they are a land surveyor.	
10.	<input type="radio"/> / <input type="radio"/>	The Board may not adopt rules for proper performance of its duties, as only the Montana Legislature can do this.	
11.	<input type="radio"/> / <input type="radio"/>	In order to safeguard life, health, and property and to promote the public welfare, a person in either a public or private capacity practicing or offering to practice land surveying is required to submit evidence that the person is qualified to practice and is licensed as provided by Montana law.	

PROFESSIONAL LAND SURVEYOR BY COMITY APPLICATION

Revised 9/2017

Page 22 of 23

**Montana Land Surveyor Licensing Law and Rule Questionnaire**

Note: This completed exam must accompany application

No.	T	/ F	Statement	Legal Reference
12.	<input type="radio"/>	<input type="radio"/>	Until October 1, 2022, formal education is required to qualify for licensure in Montana as a Land Surveyor.	
13.	<input type="radio"/>	<input type="radio"/>	If a person is licensed to practice land surveying in another state, has passed the NCEES PS exam, and meets the same qualifications as an applicant applying for licensure by examination, then that person may be issued a Montana license.	
14.	<input type="radio"/>	<input type="radio"/>	A land surveyor may affix his seal and signature on any plans or drawings after their license has expired, provided they have notified the Board.	
15.	<input type="radio"/>	<input type="radio"/>	Professional land surveyor licenses are valid for 1 year.	
16.	<input type="radio"/>	<input type="radio"/>	Failure to renew a professional land surveyor license on time will result in additional fees to the licensee.	
17.	<input type="radio"/>	<input type="radio"/>	A business entity may engage in the practice of land surveying in Montana, provided one employee of the firm is a licensed land surveyor in Montana and is in responsible charge.	
18.	<input type="radio"/>	<input type="radio"/>	A business entity with multiple branches must obtain a certificate of authorization from the Board for each branch in order for the each branch to provide land surveying services in Montana.	
19.	<input type="radio"/>	<input type="radio"/>	The board can revoke a license for failing to comply with the Corner Recordation Act.	
20.	<input type="radio"/>	<input type="radio"/>	It is a criminal offense if a person knowingly presents or attempts to use the license or the seal of another person.	
21.	<input type="radio"/>	<input type="radio"/>	To be in “responsible charge” a land surveyor must personally make land-surveying decisions, or review and approve proposed land surveying decisions prior to their implementation.	
22.	<input type="radio"/>	<input type="radio"/>	The term “direct supervision” means the licensee, has exercised regular and direct oversight and guidance of land surveying work, which includes plans, designs, surveys, and client advice at the time the works occurs, and the licensee takes responsibility for the work.	
23.	<input type="radio"/>	<input type="radio"/>	The Board has a list of approved Montana surveying ed programs.	
24.	<input type="radio"/>	<input type="radio"/>	A licensed professional land surveyor’s seal cannot be of the rubber stamp variety.	
25.	<input type="radio"/>	<input type="radio"/>	A substantial portion of experience claimed by an applicant applying for land surveying licensure must be progressive land surveying experience.	
26.	<input type="radio"/>	<input type="radio"/>	For licensure, progressive land surveying experience is broken down into two areas: office and field.	
27.	<input type="radio"/>	<input type="radio"/>	Approved comity applicants must take a closed book Montana specific law land surveying examination.	
28.	<input type="radio"/>	<input type="radio"/>	The form for corner recordation is approved by the Board and is available on the Board’s website.	

PROFESSIONAL LAND SURVEYOR BY COMITY APPLICATION

Revised 9/2017

Page 23 of 23

<b>Montana Land Surveyor Licensing Law and Rule Questionnaire</b>				
Note: This completed exam must accompany application				
No.	T / F		Statement	Legal Reference
29.	<input type="radio"/>	<input type="radio"/>	A licensee may not practice any professional land surveying in the state of Montana while the license is in an inactive status.	
30.	<input type="radio"/>	<input type="radio"/>	To be licensed as a land surveyor in Montana, an applicant must have been previously licensed as a land surveyor intern.	
31.	<input type="radio"/>	<input type="radio"/>	If the renewal process is not completed within one year, the licensee will be considered a new applicant, potentially requiring re-testing.	
32.	<input type="radio"/>	<input type="radio"/>	A licensed land surveyor in Montana must certify at license renewal time that he (she) has completed 45 hours of professional development/continuing education during the previous licensing period.	
33.	<input type="radio"/>	<input type="radio"/>	New licensees by exam or comity are exempt from obtaining professional development hours (PDH) during their first renewal cycle.	
34.	<input type="radio"/>	<input type="radio"/>	Licensees with direct knowledge of an alleged violation of the laws and rules of professional conduct regulating land surveying are not required to report such violations to the Board.	
35.	<input type="radio"/>	<input type="radio"/>	Licensees' primary obligation is to protect the safety, health property and welfare of the public and shall notify their employer, client and such other authority when their professional judgment is overruled in such a manner as to endanger the safety, health, property or welfare of the public.	
36.	<input type="radio"/>	<input type="radio"/>	Licensees can perform services outside their area of competence.	
37.	<input type="radio"/>	<input type="radio"/>	Licensees shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.	
38.	<input type="radio"/>	<input type="radio"/>	Due to the competitive nature of some projects, licensees may attempt to supplant other licensees or firms from work that is in progress without notifying the other licensee.	
39.	<input type="radio"/>	<input type="radio"/>	Licensees shall issue no statements, criticism or arguments on technical matters which are inspired or paid for by interested parties, unless licensees preface their comments by explicitly identifying the interested parties on whose behalf they are speaking and by revealing the existence of any interest the licensees may have in the matters.	
40.	<input type="radio"/>	<input type="radio"/>	Anyone wishing to enter a complaint against a professional land surveyor may do so by making an anonymous complaint.	