

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS
Marc Berman, Chair
AB 2435 Chen – As Amended April 15, 2026

SUBJECT: Land surveyors: practice without authorization: penalties.

SUMMARY: Specifies tiered penalties for a first, second, and third conviction related to the unlicensed practice of land surveying.

EXISTING LAW:

- 1) Provides for the licensure and regulation of land surveyors by the Board of Professional Engineers, Land Surveyors and Geologists (BPELSG) within the Department of Consumer Affairs (DCA) under the Professional Land Surveyor's Act (Act). (Business and Professions Code (BPC) §§ 8700 *et seq.*)
- 2) Establishes various activities that, either in a public or private capacity, constitute the practice of land surveying, including but not limited to:
 - a) Locating, relocating, establishing, reestablishing, or retracing the alignment or elevation for any of the fixed works embraced within the practice of civil engineering.
 - b) Determining the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.
 - c) Locating, relocating, establishing, reestablishing, or retracing any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.
 - d) Making any survey for the subdivision or resubdivision of any tract of land.
 - e) Determining the position for any monument or reference point that marks a property line, boundary, or corner, or setting, resetting, or replacing any monument or reference point.
(BPC § 8726)
- 3) Authorizes a licensed land surveyor to perform land planning in connection with the land surveying activities authorized under the Act. (BPC § 8761.2)
- 4) Establishes actions that make a person guilty of a misdemeanor, including:
 - a) Practicing, or offering to practice, land surveying in this state without legal authorization,
 - b) Presenting as their own the certificate of a land surveyor-in-training or the license of a professional land surveyor unless they are the person named on the certificate or the license,

- c) Attempting to file as their own any record of survey under the license of a professional land surveyor,
 - d) Impersonating or uses the seal, signature, or license number of a professional land surveyor or who uses a false license number, and
 - e) Impersonating or uses the certificate number of a land surveyor-in-training or who uses a false certificate.
- 5) Authorizes a board, bureau, or commission within the DCA to establish a system for the issuance of a citation, not to exceed \$5,000, where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto. (BPC § 125.9)
- 6) Authorizes a board, bureau, or commission within the DCA to establish a system for the issuance of a citation, not to exceed \$5,000, to an unlicensed person who is acting in the capacity of a licensee or registrant under their jurisdiction. (BPC § 148)

THIS BILL:

- 1) Specifies the following penalties for a person found guilty of a misdemeanor for the unlicensed practice of land surveying:
- a) A first conviction is punishable by a fine not exceeding \$10,000 or by imprisonment in a county jail for up to six months, or by both that fine and imprisonment,
 - b) A second conviction is punishable by a fine not exceeding \$15,000 or by imprisonment in a county jail for up to six months, or by both that fine and imprisonment; and
 - c) A third or subsequent conviction is punishable by a fine not less than \$20,000 or by imprisonment in a county jail for up to six months, or by both that fine and imprisonment.

FISCAL EFFECT: Unknown; this bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is co-sponsored by the *California & Nevada Civil Engineers and Land Surveyors Association*, the *California Land Surveyors Association*, and the *American Council of Engineering Companies of California*. According to the author:

Unlicensed land surveying threatens the safety of consumers and the public. By creating a new penalty structure for unlicensed practices, this bill promotes professional accountability, helps consumers better understand the risks associated with unlicensed land surveying services, and appropriately dissuades bad actors.

Background.

The Board of Professional Engineers, Land Surveyors and Geologists. The Board of Professional Engineers, Land Surveyors, and Geologists (BPELSG) is charged with safeguarding life, health, property, and public welfare by providing for the licensure and regulation of engineers, land surveyors, and geologists operating in the state of California. According to the BPELSG in their 2023-24 Sunset Review Report:

The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for damages and reconstruction. Land surveyors help to define property boundaries. A miscalculation of property boundaries in a residential or commercial neighborhood could cause a property owner financial loss if the property is sold or improvements were constructed based on reliance upon an incorrect boundary. A structure could be located on another individual's property, with concomitant major financial losses and inability to convey title. Geologists and geophysicists analyze the rock, soil, and groundwater resources in California and help to determine if active landslides, earthquake faults, or underground water supplies impact orderly and safe development or if they impact the health, safety or welfare of the public.

The BPELSG has a wide and varied scope, enforcing licensing requirements for the following professions: engineers, electrical engineers, land surveyors, mechanical engineers, professional geologists, and professional geophysicists, ensuring such professionals have the adequate training and competency necessary to perform their duties. Additionally, it enforces the title protection of licensed engineers operating in sub-specialty classifications. The BPELSG has operated in its current form since January 1, 2011. Prior to 2011, these distinct licensing professions operated under different and separate regulatory boards.

Unlicensed Practice of Land Surveying. In 2019, the BPELSG reported that it had witnessed a spike in unlicensed activity, largely stemming from the advancement and democratization of technologies (I.e. Global Positioning System (GPS) and Ground Penetrating Radar (GPR) used to render land surveying and geophysical services. At the time, the BPELSG reported that the concern was not so much that laypersons were utilizing these tools, but that unlicensed individuals were interpreting resulting data and making subsequent recommendations, which constitute the practice of land surveying and geophysics in California. The Board reported conducting outreach at industry events and formed a relationship with the California Facilities Safe Excavation Board. However, the Board continues to receive complaints about unlicensed activity and encounter businesses with no knowledge of the state's licensing requirements. Professional stakeholders contend that certain entities—such as public agencies, developers, and contractors—often perform activities that technically constitute licensed land surveying or civil engineering within their wider scope of work on a project.

In its 2023-24 Sunset Review Report, the BPELSG stated that it is currently seeking ways to enhance the effectiveness of its Enforcement Unit in addressing complaints related to unlicensed practice. While administrative citations are useful for public disclosure, they are often not effective in motivating violators to actually cease activity. The internet is increasingly used for advertising these unlicensed services, complicating enforcement. Additionally, businesses that may be licensed under other Department of Consumer Affairs (DCA) entities, such as Contractors' State Licensing Board (CSLB) licensees, can often absorb the cost of administrative fines related to unlicensed land surveying or civil engineering activity with otherwise minimal impact on their professional licensure. While the Board has authority, through administrative citation, to order individuals advertising in phone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC), many unlicensed individuals operate through mobile telephone services, which are not regulated by the PUC. The Board states they are exploring new strategies, such as collaborating with online platforms to educate users about licensure requirements and remove illegal listings.

Throughout the BPELSG's 2024 Sunset Review process, sponsors of this legislation worked with this Committee, and the Senate Committee on Business, Professions, and Economic Development to explore additional ways that Board staff might better combat unlicensed activity and uplift responsible actors, including the potential for increased and additional fines. These discussions resulted in substantive reforms that were contained in the AB 3252 (Berman, Chapter 558, Statutes of 2024), including expanding prohibitions related to the impersonation of a licensed engineer, land surveyor or geologist to also include the false use of "in-training" titles, requiring licensees to disclose the existence of professional liability insurance coverage in all client contracts, and additional business disclosure requirements to increase transparency. Nevertheless, meaningful enforcement against unlicensed activity by the BPELSG remains difficult.

Last year, the sponsors of this bill put forward AB 1341 (Hoover) in an attempt to deter unlicensed land surveying and civil engineering activity. That bill would have authorized the CSLB to discipline licensees for willful violation of engineering, land surveying, or architecture licensing requirements. However, AB 1341 was held on the Senate Appropriations suspense file. As a result, the sponsors have put forward this bill in an alternative approach to enforcement against unlicensed land surveying activity. Specifically, this bill establishes penalties for convictions of unlicensed land surveying according to the following tiers: \$10,000 for the first conviction, \$15,000 for the second, and \$20,000 for the third. Additionally, each violation could be punishable by up to six months in county jail.

Current Related Legislation. AB 1933 (Hoover) requires a county surveyor to return a record of survey to the respective licensed land surveyor or civil engineer that submitted it, and revises requirements related to a county surveyor's examination of a submitted record of survey. *This bill is currently pending in the Assembly Appropriations Committee.*

Prior Related Legislation. AB 1341 (Hoover) would have authorized the CSLB to discipline licensees for willful violation of engineering, land surveying, or architecture licensing requirements. *This bill was held on the Senate Appropriations Committee suspense file.*

AB 3253 (Berman), Chapter 588, Statutes of 2024, extended the sunset date for the Board of Professional Engineers, Land Surveyors, and Geologists until January 1, 2029, and made various other changes in response to issues raised during the sunset review process, including the requirement that licensed land surveyors to restore or rehabilitate any monument that is used as part of a survey to a permanent condition so that it may be referenced and used in the future.

ARGUMENTS IN SUPPORT:

This bill is co-sponsored by the *California & Nevada Civil Engineers and Land Surveyors Association (CELSA)*, the *California Land Surveyors Association (CLSA)*, and the *American Council of Engineering Companies of California (ACEC)*. In a joint letter of support, they write: "AB 2453 is a measured and well-founded response to a longstanding, well-documented enforcement problem. It will help protect consumers and the public by improving transparency and by ensuring that unlicensed practice carries meaningful consequences."

ARGUMENTS IN OPPOSITION:

There is no opposition to this bill.

POLICY ISSUE(S) FOR CONSIDERATION:

Proper Authority for the BPELSG. The author and sponsors argue that the intent of this bill is to empower regulators, particularly the BPELSG, with more tools to deter unlicensed practice. While this bill indeed would establish additional, more significant penalties in law for the unlicensed practice of land surveying, it does not actually empower the BPELSG to levy the fines. Like most other boards and bureaus under the DCA, the BPELSG is limited to assessing a fine of no more than \$5,000 for violations of their practice acts (pursuant to BPC § 125.9 and § 148), and must have a specific authorization in each practice act they regulate in order to assess greater fines than \$5,000 for respective violations. As such, the author and sponsors may wish to consider adding language to the bill that specifically authorizes the BPELSG to assess additional fines beyond those established by BPC § 125.9 and BPC § 148 should this bill move forward.

Enforcement of Other Unlicensed BPELSG Activities. Currently, the bill limits additional penalties to only the unlicensed practice of land surveying. However, the BPELSG has communicated to Committee staff that the unlicensed practice of the other professions they regulate—civil engineering, geology, and geophysics—is similarly problematic. As such, the ability for the BPELSG to levy additional fines against these unlicensed practices would be beneficial, as well. Should this bill move forward, it may be prudent to consider additional provisions that empower the BPELSG to levy increased citations against the unlicensed practice of civil engineering, geology, and geophysics.

REGISTERED SUPPORT:

American Council of Engineering Companies (*Co-Sponsor*)

California & Nevada Civil Engineers and Land Surveyors Association (*Co-Sponsor*)

California Land Surveyors Association (*Co-Sponsor*)

REGISTERED OPPOSITION:

There is no opposition on file.

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