



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

August 27, 1965

Hon. Clifford C. Cool, Chairman  
Texas State Board of Registration  
for Public Surveyors  
Box 12293  
Capitol Station  
Austin, Texas

Opinion No. C-490

Re: Whether a person convicted of a felony who has served his sentence or a person who is an alien not eligible for United States citizenship are eligible for registration as a Public Surveyor under Article 5282a, Vernon's Civil Statutes.

Dear Mr. Cool:

You have requested an opinion from this office upon the following questions:

"Is a person who has served a term in the State Department of Corrections with a sentence of from two to fifteen years eligible for registration as a Public Surveyor in Texas under the Registered Public Surveyors Act of 1955?"

"Is a citizen of another country who has not qualified for citizenship in the United States eligible for registration as a Public Surveyor in Texas under the provisions of the Registered Public Surveyors Act of 1955?"

Section 6 of Article 5282a, Vernon's Civil Statutes, the Registered Public Surveyors Act of 1955, provides in part that:

"From and after January first following the effective date of this Act, no person except those exempted from the operation of this Act as provided for in Section 3 hereof, shall engage or continue in the practice of Public Surveying as defined herein unless such person shall be registered as provided herein. The following classes of persons shall be qualified for registration:

"(a) All persons residing in Texas and engaged in the practice of Public Surveying on the effective date of this Act, and who have been so engaged for five (5) years immediately preceding the effective date hereof, upon satisfactory showing to the Board of the moral and educational fitness of such person to continue in such practice. Applications to register under this subsection(a) of Section 6 must be filed within one (1) year after this Act becomes effective.

"(b) All persons who can show to the satisfaction of the Board that they have had at least eight (8) years experience in land surveying in Texas of which at least two (2) years were in responsible charge of surveying work. Within the meaning of this subsection, two (2) years of basic engineering course in an accredited school or college shall be considered the equivalent of two (2) years of land surveying. Applicants to register under subsection (b) of Section 6 must be filed within five (5) years after this Act becomes effective.

"(c) All persons who apply to take, and successfully pass, an examination given by the Board to determine the fitness and qualification of the person examined. Such examination shall be written and oral, and shall be designed to reflect knowledge and ability on the part of the applicant, showing to the Board that he is qualified to be placed in charge of surveying work. Any applicant for such examination must be able to show to the satisfaction of the Board that he has had the equivalent of six (6) years experience in land surveying. The successful completion of a course of study in an accredited school leading to a Bachelor of Science Degree in Civil Engineering shall be considered as four (4) years satisfactory experience."

Subsections (a), (b) and (c) of Section 6 of Article 5282a set forth the classes of persons who shall be qualified for registration as a Registered Public Surveyor.

As the provisions of subsection (a) of Section 6 of Article 5282a became inoperative within one (1) year after the effective date of the Act, and as the provisions of subsection (b) of Section 6 of Article 5282a became inoperative five (5) years after the effective date of this Act, it is apparent that,

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at the present time, only those persons who can meet the qualifications set forth in subsection (c) of Section 6 of Article 5282a are entitled to register as a Registered Public Surveyor.

Pursuant to the provisions of subsection (c) of Section 6 of Article 5282a, an applicant for registration must apply to take and successfully pass an examination given by the State Board of Registration for Public Surveyors. An applicant for such examination must be able to show to the satisfaction of the Board that he has had the equivalent of six (6) years experience in land survey.

It would logically follow that, pursuant to the language of subsection (c) of Section 6 of Article 5282a, that any person would be entitled to registration as a Registered Public Surveyor if he has the required experience in land surveying and passes the examination given by the State Board of Registration for Public Surveyors.

We have carefully studied the provisions of Article 5282a and find no provision which would prohibit, disqualify or make ineligible a person for registration pursuant to the provisions of subsection (c) of Section 6 of Article 5282a, as a Registered Public Surveyor, merely because such person had previously been convicted of a felony or merely because such person is an alien not eligible for United States citizenship.

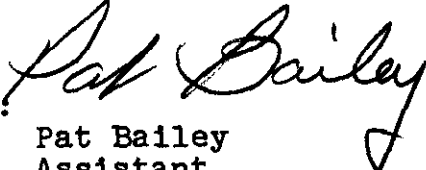
S U M M A R Y

A person is not prohibited, disqualified or made ineligible for registration as a Registered Public Surveyor, pursuant to the provisions of subsection (c) of Section 6 of Article 5282a, Vernon's Civil Statutes, merely because such person has been convicted of a felony or because such person is an alien not eligible for United States citizenship.

Very truly yours,

WAGGONER CARR  
Attorney General

By:

  
Pat Bailey  
Assistant

PB:ms:mkh

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APPROVED:  
OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL  
BY: T. B. Wright