



April 5, 2011

**ENGROSSED  
SENATE BILL No. 374**

DIGEST OF SB 374 (Updated April 4, 2011 2:20 pm - DI 107)

**Citations Affected:** IC 25-21.5.

**Synopsis:** Land surveyors. Allows a licensed land surveyor and any personnel under the supervision of a land surveyor to enter any land, water, or property within Indiana, except for: (1) land owned or controlled by the department of homeland security or a public utility; or (2) a building, dwelling, or structure on the land or property; to conduct a survey. Requires, to the extent practicable, a land surveyor or any personnel under the supervision of a land surveyor to present written identification to the occupant of the land, water, or property before a land surveyor or any personnel under the supervision of a land surveyor enters the land, water, or property. Makes a land surveyor and any personnel under the supervision of a land surveyor liable for damage caused by the entry.

**Effective:** July 1, 2011.

**Boots, Head, Taylor**  
(HOUSE SPONSOR — STEUERWALD)

January 11, 2011, read first time and referred to Committee on Public Policy.  
February 17, 2011, amended, reported favorably — Do Pass.  
February 21, 2011, read second time, amended, ordered engrossed.  
February 22, 2011, engrossed. Read third time, passed. Yeas 44, nays 5.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Judiciary.  
April 5, 2011, amended, reported — Do Pass.

**C  
O  
P  
Y**



April 5, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 374



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-21.5-9-7 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2011]: **Sec. 7. (a) As used in this section, "public utility" means**  
4 **a corporation, company, partnership, limited liability company,**  
5 **political subdivision (as defined in IC 36-1-2-13), individual,**  
6 **association of individuals, or their lessees, trustees, or receivers**  
7 **appointed by a court that own, operate, manage, or control any**  
8 **plant or equipment within Indiana for the:**  
9 (1) conveyance of telephone messages;  
10 (2) production, transmission, delivery, or furnishing of heat,  
11 light, water, or power; or  
12 (3) collection, treatment, purification, and disposal in a  
13 sanitary manner of liquid and solid waste, sewage, night soil,  
14 and industrial waste.  
15 (b) Subject to section 8 of this chapter and except as provided in  
16 subsection (c), a land surveyor and any personnel under the  
17 supervision of a land surveyor may enter upon, over, or under any

C  
O  
P  
Y



1 land, water, or property within Indiana for the limited purpose of  
2 the practice of land surveying. The land surveyor and any  
3 personnel under the supervision of the land surveyor may not  
4 interfere with any construction, operation, or maintenance activity  
5 being conducted upon the land, water, or property by the owner or  
6 occupant.

7 (c) Notwithstanding subsection (b), a land surveyor and any  
8 personnel under the supervision of a land surveyor may not enter:

- 9 (1) property owned or controlled by:
  - 10 (A) the Indiana department of homeland security; or
  - 11 (B) a public utility; or
  - 12 (2) a building, dwelling, or structure on the land or property.

13 SECTION 2. IC 25-21.5-9-8 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) To the extent  
16 practicable, before entering upon, over, or under any land,  
17 water, or property under section 7 of this chapter, a land  
18 surveyor and any personnel under the supervision of a land  
19 surveyor shall present written identification to the occupant  
20 of the land, water, or property.

21 (b) A land surveyor and any personnel under the supervision of  
22 a land surveyor is liable for any damage that may occur to the  
23 land, water, or property as a result of entry upon, over, or under  
24 the land, water, or property under section 7 of this chapter.

C  
o  
p  
y



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 374, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "surveyor" insert "**and any personnel under the supervision of a land surveyor**".

Page 1, line 10, after "surveyor" insert "**and any personnel under the supervision of a land surveyor**".

Page 2, line 1, delete "the land surveyor must notify the occupant of the land,".

Page 2, delete lines 2 through 3.

Page 2, line 4, delete "(b) A" and insert "**to the extent practicable, the**".

Page 2, line 4, after "surveyor" insert "**and any personnel under the supervision of a land surveyor**".

Page 2, line 8, delete "(c)" and insert "**(b)**".

Page 2, line 8, after "surveyor" insert "**and any personnel under the supervision of a land surveyor**".

and when so amended that said bill do pass.

(Reference is to SB 374 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 374 be amended to read as follows:

Page 1, line 7, after "surveyor" insert "**and any personnel under the supervision of the land surveyor**".

Page 2, line 1, delete "Before a land surveyor may enter" and insert "**To the extent practicable, before entering**".

Page 2, line 3, delete "to the extent practicable, the" and insert "**a**".

Page 2, line 6, delete "property to be entered under section 7 of this chapter before" and insert "**property**".

Page 2, delete line 7.

(Reference is to SB 374 as printed February 18, 2011.)

BOOTS

ES 374—LS 7172/DI 14+

COPY



## SENATE MOTION

Madam President: I move that Senate Bill 374 be amended to read as follows:

Page 1, line 12, after "enter" insert ":".

Page 1, line 13, before "property" begin a new line block indented and insert:

**"(1)".**

Page 1, line 14, delete "(1)" begin a new line double block indented and insert:

**"(A)".**

Page 1, line 15, delete "(2)" begin a new line double block indented and insert:

**"(B)".**

Page 1, line 15, delete "utility." and insert **"utility; or"**.

Page 1, between lines 15 and 16, begin a new line block indented and insert:

**"(2) a building, dwelling, or structure on the land or property."**

(Reference is to SB 374 as printed February 18, 2011.)

TALLIAN

C  
O  
P  
Y

---

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 374, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert **"As used in this section, "public utility" means a corporation, company, partnership, limited liability company, political subdivision (as defined in IC 36-1-2-13), individual, association of individuals, or their lessees, trustees, or receivers appointed by a court that own, operate, manage, or control any plant or equipment within Indiana for the:**

- (1) conveyance of telephone messages;**
- (2) production, transmission, delivery, or furnishing of heat, light, water, or power; or**
- (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.**



**(b)**".

Page 1, line 4, delete "(b)," and insert "**(c)**,".

Page 1, line 12, delete "(b)" and insert "**(c)**".

Page 1, line 12, delete "(a)," and insert "**(b)**,".

and when so amended that said bill do pass.

(Reference is to SB 374 as introduced.)

FOLEY, Chair

Committee Vote: yeas 10, nays 0.

**C  
O  
P  
Y**

