



Reprinted
February 22, 2011

SENATE BILL No. 374

DIGEST OF SB 374 (Updated February 21, 2011 5:31 pm - DI 110)

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

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.

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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.

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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) Subject to section 8 of this chapter and except**
4 **as provided in subsection (b), a land surveyor and any personnel**
5 **under the supervision of a land surveyor may enter upon, over, or**
6 **under any land, water, or property within Indiana for the limited**
7 **purpose of the practice of land surveying. The land surveyor and**
8 **any personnel under the supervision of the land surveyor may not**
9 **interfere with any construction, operation, or maintenance activity**
10 **being conducted upon the land, water, or property by the owner or**
11 **occupant.**

12 (b) Notwithstanding subsection (a), a land surveyor and any
13 personnel under the supervision of a land surveyor may not enter:
14 (1) property owned or controlled by:
15 (A) the Indiana department of homeland security; or
16 (B) a public utility; or
17 (2) a building, dwelling, or structure on the land or property.



1 SECTION 2. IC 25-21.5-9-8 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 8. (a) To the extent practicable, before entering upon,
4 over, or under any land, water, or property under section 7 of this
5 chapter, a land surveyor and any personnel under the supervision
6 of a land surveyor shall present written identification to the
7 occupant of the land, water, or property.**
8 **(b) A land surveyor and any personnel under the supervision of
9 a land surveyor is liable for any damage that may occur to the
10 land, water, or property as a result of entry upon, over, or under
11 the land, water, or property under section 7 of this chapter.**

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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

SB 374—LS 7172/DI 14+



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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.)

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