
SENATE BILL No. 558

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-11.1-2; IC 6-1.1; IC 8-3-15-3; IC 13-18-3-12; IC 14-18-6-4; IC 14-26-8; IC 14-28-1-26.5; IC 14-36-1-27; IC 14-37-4-5; IC 22-10-2-2; IC 23-1.5-1; IC 25-1; IC 25-4-2-1; IC 25-21.5; IC 25-30-1-5; IC 25-31-1-19; IC 25-36.5-1-3.2; IC 32-19-2-2; IC 35-51-25-1; IC 36-2; IC 36-5-1-3; IC 36-7-3; IC 36-9-27.

Synopsis: Land surveyors. Revises the law on the registration of land surveyors to provide instead for the registration of "professional surveyors". Revises the law on the certification of registered land surveyors in training to provide instead for the certification of "surveyor interns". Provides a new definition of "the practice of surveying" in recognition of technical changes in the practice. Makes conforming changes.

Effective: July 1, 2013.

Young R Michael

January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

C
O
P
Y



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 558



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 5-16-11.1-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. As used in this
 3 chapter, "professional services" means those services that are:
 4 (1) within the scope of practice specified by IC 25-4 for
 5 architecture, IC 25-31 for professional engineering, or IC 25-21.5
 6 for ~~land~~ surveying; or
 7 (2) performed by any licensed architect, professional engineer, or
 8 ~~land professional~~ surveyor in connection with ~~his the architect's,~~
 9 **engineer's, or surveyor's** professional employment or practice.
 10 SECTION 2. IC 6-1.1-5-11, AS AMENDED BY P.L.146-2008,
 11 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 11. (a) In order to determine the quantity of land
 13 contained within a tract, an assessor shall follow the rules contained in
 14 this section.
 15 (b) Except as provided in subsection (c), the assessor shall
 16 recognize the quantity of land stated in a deed or patent if the owner or
 17 person in whose name the property is listed holds the land by virtue of:



1 (1) a deed from another party or from this state; or

2 (2) a patent from the United States.

3 (c) If land described in subsection (b) has been surveyed subsequent
4 to the survey made by the United States and if the county assessor is
5 satisfied that the tract contains a different quantity of land than is stated
6 in the patent or deed, the assessor shall recognize the quantity of land
7 stated in the subsequent survey.

8 (d) Except as provided in subsection (f), a county assessor shall
9 demand in writing that the owner of a tract, or person in whose name
10 the land is listed, have the tract surveyed and that the owner or person
11 in whose name the land is listed return a sworn certificate from the
12 **professional** surveyor stating the quantity of land contained in the tract
13 if:

14 (1) the land was within the French or Clark's grant; and

15 (2) the party holds the land under original entry or survey.

16 (e) If the party fails to return the certificate under subsection (d)
17 within thirty (30) days after the demand is mailed, the assessor shall
18 have a **professional** surveyor survey the land. The expenses of a survey
19 made under this subsection shall be paid for from the county treasury.
20 However, the county auditor shall charge the survey expenses against
21 the land, and the expenses shall be collected with the taxes payable in
22 the succeeding year.

23 (f) A county assessor shall not demand a survey of land described
24 in subsection (d) if:

25 (1) the owner or holder of the land has previously had it surveyed
26 and presents to the assessor a survey certificate which states the
27 quantity of land; or

28 (2) the assessor is satisfied from other competent evidence, given
29 under oath or affirmation, that the quantity of land stated in the
30 original survey is correct.

31 SECTION 3. IC 6-1.1-6-9, AS AMENDED BY P.L.66-2006,
32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2013]: Sec. 9. (a) Except as provided in subsections (b) and
34 (c), a person who:

35 (1) wishes to have a parcel of land classified as native forest land,
36 a forest plantation, or wildlands; or

37 (2) submits a revised application due to:

38 (A) the partial withdrawal of existing classified land;

39 (B) division of the parcel related to a conveyance; or

40 (C) the combination of contiguous lands;

41 must have the parcel described by a ~~registered land~~ **professional**
42 surveyor. The parcel must be described by metes and bounds or other

C
O
P
Y



1 professionally accepted practices and must locate the parcel with
 2 reference to an established corner. In addition, the description must
 3 identify the parcel by section, township, range, and county references.
 4 The **professional** surveyor shall prepare plats of the parcel in ink, and
 5 the **professional** surveyor shall prepare the plats on the scale, and in
 6 the number, prescribed by the department of natural resources.

7 (b) The ~~registered land~~ **professional** surveyor may use an aerial
 8 photograph in order to prepare a description of the parcel. However, the
 9 **professional** surveyor's description must be accurate, and it must meet
 10 the requirements specified in subsection (a). ~~of this section~~. If an aerial
 11 photograph is used, that fact shall be noted on the application referred
 12 to in section 11 of this chapter.

13 (c) The natural resources commission may adopt rules to allow other
 14 means to describe and plat a parcel under this section.

15 SECTION 4. IC 6-1.1-6-11, AS AMENDED BY P.L.66-2006,
 16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 11. A person who wishes to have a parcel of land
 18 classified as native forest land, a forest plantation, or wildlands must
 19 file an application in duplicate with the state forester on the forms
 20 prescribed by the state forester. The application must include the
 21 signature of the owner, the ~~registered land~~ **professional** surveyor or
 22 other person described in rules adopted under section 9(c) of this
 23 chapter, the state forester, and the county assessor.

24 SECTION 5. IC 6-1.1-6.7-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A person who
 26 wishes to have a parcel of land classified as a filter strip must have the
 27 parcel properly described by the county surveyor or a ~~registered land~~
 28 **professional** surveyor. The parcel shall be identified by section,
 29 township, range, and county references. Plats of the parcel shall be
 30 prepared in ink and on the scale and in the number prescribed by the
 31 county surveyor.

32 (b) An aerial photograph may be used in order to obtain a
 33 description of the parcel. However, the description must be accurate
 34 and meet the requirements specified in subsection (a). If an aerial
 35 photograph is used, that fact shall be noted on the application referred
 36 to in section 6 of this chapter.

37 SECTION 6. IC 6-1.1-6.7-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A person who
 39 wishes to have a parcel of land classified as a filter strip must file an
 40 application with the county surveyor on the forms prescribed by the
 41 county surveyor. The application must include the following items:

- 42 (1) The plats referred to in section 4 of this chapter.

C
o
p
y



1 (2) The assessment required under section 5 of this chapter
 2 entered in ink by the county assessor.
 3 (3) The signatures of the owner, the ~~registered land~~ **professional**
 4 surveyor (if a ~~registered land~~ **professional** surveyor is used), the
 5 county surveyor, and the county assessor.
 6 (4) A letter of concurrence in the classification from the soil and
 7 water conservation district in which the land is located.
 8 (b) If an error or omission affecting the eligibility of the application
 9 is discovered by the county surveyor or county assessor, the county
 10 surveyor or county assessor shall promptly notify the applicant of the
 11 deficiency and allow the applicant to amend the application.
 12 SECTION 7. IC 6-1.1-6.8-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A person who
 14 wishes to have a parcel of land classified as cemetery land must have
 15 it surveyed by a ~~registered land~~ **professional** surveyor. The
 16 **professional** surveyor shall make the survey by metes and bounds and
 17 locate the parcel with reference to some established corner. In addition,
 18 the **professional** surveyor shall identify the parcel by section,
 19 township, range, and county references. The **professional** surveyor
 20 shall prepare plats of the parcel in ink, and shall prepare the plats on
 21 the scale, and in the number, prescribed by the director.
 22 (b) The ~~registered land~~ **professional** surveyor may use an aerial
 23 photograph in order to obtain a description of the parcel. However, the
 24 **professional** surveyor's description must be accurate and it must meet
 25 the requirements specified in subsection (a). If an aerial photograph is
 26 used, that fact shall be noted on the application referred to in section 8
 27 of this chapter.
 28 SECTION 8. IC 6-1.1-6.8-8 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A person who
 30 wishes to have a parcel of land classified as cemetery land must file an
 31 application in duplicate with the director on the forms prescribed by the
 32 director. The application must include the following items:
 33 (1) The plats referred to in section 6 of this chapter.
 34 (2) The assessment required under section 7 of this chapter
 35 entered in ink by the county assessor.
 36 (3) The signature of the owner, the ~~registered land~~ **professional**
 37 surveyor, and the county assessor.
 38 (b) If an error or omission affecting the eligibility of the application
 39 is discovered by the director or county assessor, the director or county
 40 assessor shall promptly notify the applicant of the deficiency and allow
 41 the applicant to amend the application.
 42 SECTION 9. IC 8-3-15-3 IS AMENDED TO READ AS FOLLOWS

COPY



1 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A person who rides, drives,
2 or walks on or along the right-of-way or yard of a railroad company at
3 a place other than a public crossing commits a Class B misdemeanor.

4 (b) "Right-of-way" means the track or roadbed owned or leased by
5 a railroad which is located on either side of its tracks and which is
6 readily recognizable to a reasonable person as being railroad property
7 or is reasonably identified as such by fencing or appropriate signs.

8 (c) "Yard" means a system of parallel tracks, cross-overs, and
9 switches where cars are switched and made up into trains, and where
10 cars, locomotives, and other rolling stock are kept when not in use or
11 awaiting repairs.

12 (d) This section does not apply to:

13 (1) passengers on trains or employees of a railroad company while
14 engaged in the performance of their duties;

15 (2) picketing by railroad employees in the vicinity of entrances to
16 railroad company property;

17 (3) an authorized representative of the railroad employees;

18 (4) a person going upon the right-of-way or into the yard to save
19 human life or to protect property;

20 (5) a person being on the station grounds or in the depot of the
21 railroad company as a passenger or for the purpose of transacting
22 business;

23 (6) a person, or the person's family or employees going upon the
24 right-of-way for the purpose of crossing from one (1) part to
25 another part of a farm the person owns or leases, where the farm
26 lies on both sides of the right-of-way;

27 (7) a person having written permission from the railroad company
28 to go upon the right-of-way;

29 (8) representatives of the Indiana department of transportation;

30 (9) representatives of the federal Surface Transportation Board;
31 or

32 (10) a ~~registered land~~ **professional** surveyor or a ~~land~~
33 **professional** surveyor's employees who are on the right-of-way or
34 in the yard for the purpose of making land surveys.

35 SECTION 10. IC 13-18-3-12, AS AMENDED BY P.L.133-2012,
36 SECTION 127, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2013]: Sec. 12. The board shall adopt rules
38 providing that whenever a person submits plans to a unit concerning
39 the design or construction of:

40 (1) a sanitary sewer or public water main, if:

41 (A) a professional engineer who is registered under IC 25-31
42 prepared the plans;

C
o
p
y



- 1 (B) the unit provided for review of the plans by a qualified
 2 engineer and subsequently approved the plans; and
 3 (C) all other requirements specified in rules adopted by the
 4 water pollution control board are met; or
 5 (2) a sanitary sewer extension for and within a subdivision, if:
 6 (A) a qualified ~~land~~ **professional** surveyor who is registered
 7 under IC 25-21.5 prepared the plans;
 8 (B) the subdivision is being laid out or having been laid out by
 9 the ~~land~~ **professional** surveyor subject to IC 25-21.5-7;
 10 (C) the unit provided for review of the plans by a qualified
 11 engineer and subsequently approved the plans; and
 12 (D) all other requirements specified in rules adopted by the
 13 board are met;

14 the plans are not required to be submitted to any state agency for a
 15 permit, permission, or review, unless required by federal law.

16 SECTION 11. IC 14-18-6-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. An interested person
 18 may acquire title to submerged real property adjacent to and within the
 19 width of the land bordering on Lake Michigan and between the shore
 20 and the dock or harbor line by doing the following:

- 21 (1) Applying to the department for both of the following:
 22 (A) A permit to fill in, reclaim, and own the real property. A
 23 permit issued under this clause is not effective until approved
 24 by the governor.
 25 (B) A permit under IC 14-29-1.

26 Obtaining the permits described in this subdivision is a condition
 27 for obtaining a patent under this chapter.

- 28 (2) Obtaining an accurate survey and plat of:
 29 (A) the real property between the interested person's real
 30 property and the dock or harbor line; or
 31 (B) as much of the real property as the interested party wants
 32 to fill in and improve.

33 The interested party must apply to the county surveyor of the
 34 county in which the real property lies for approval of the survey
 35 and plat.

- 36 (3) After the survey and plat are certified by the **professional**
 37 surveyor and approved by the county surveyor, doing the
 38 following:

- 39 (A) Filing the survey and plat with the state land office
 40 division of the Indiana department of administration.
 41 (B) Filing a copy of the survey and plat with the commissioner
 42 of the department of environmental management.

C
O
P
Y



1 SECTION 12. IC 14-26-8-22 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) The
 3 **professional** surveyor shall estimate the cost of the project and assess
 4 the benefits or damages to all affected landowners, each county in
 5 which the lake lies, and the department if:

6 (1) the petition is a joint petition between the owners of land
 7 abutting or within one-fourth (1/4) mile of the shoreline or water
 8 line of the lake and the county or the department; or

9 (2) the petition has been filed separately or jointly by the
 10 department or the county.

11 (b) If the petition was filed only by the landowners abutting or
 12 within one-fourth (1/4) mile of the shoreline or water line of the lake,
 13 the county and the department may not be assessed.

14 SECTION 13. IC 14-26-8-24 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. (a) The cost of the
 16 improvement asked for in the petition shall be paid as follows:

17 (1) If the petition is filed separately by the owners of land abutting
 18 upon or within one-fourth (1/4) mile of the shoreline or water line
 19 of the lake, proportionately to the benefits received by the owners.

20 (2) If the petition is filed jointly by the owners of land abutting
 21 upon the lake and the department or the commissioners of each
 22 county in which the lake lies or separately by the department or
 23 the commissioners of each county in which the lake lies, as
 24 follows:

25 (A) Twenty-five percent (25%) of the cost of the improvement
 26 shall be paid by the property owners abutting or within
 27 one-fourth (1/4) mile of the shoreline or water line of the lake.

28 (B) Twenty-five percent (25%) of the cost shall be paid by the
 29 county.

30 (C) Fifty percent (50%) of the cost shall be paid by the
 31 department.

32 (b) The **professional** surveyor shall apportion the cost of the project
 33 accordingly in the surveyor's report and notices of assessments and
 34 damages shall be sent to all affected parties as prescribed in section 25
 35 of this chapter.

36 (c) If the lake lies in at least two (2) counties, the cost to be paid by
 37 each county must be proportionate to the area of the lake that lies in
 38 each county. For the purpose of determining the area of the lake that
 39 lies in each county, the **professional** surveyor may use aerial
 40 photographs made by the United States Department of Agriculture.

41 SECTION 14. IC 14-26-8-51 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 51. (a) The

C
o
p
y



1 **professional** surveyor in charge of a project established under this
2 chapter shall, within ten (10) days after letting the contract for
3 construction, carefully compute the entire cost of the improvement,
4 including the following:

- 5 (1) Incidental costs, expenses, and damages.
- 6 (2) Attorney's fees as allowed by the court.

7 (b) The **professional** surveyor shall apportion the costs and
8 expenses to the tracts of land assessed in proportion to the total
9 assessment against the respective parcels of land benefited by the
10 construction of the work. The apportionment to the respective tracts or
11 parcels of land may not exceed the benefits assessed against the tracts
12 or parcels, respectively.

13 (c) The **professional** surveyor shall certify the assessments,
14 apportionments, and time to make payments to the county auditor. If
15 the improvement affects the landowners in more than one (1) county,
16 the **professional** surveyor shall certify the assessments,
17 apportionments, and time to make payments to the auditor of each other
18 county affected.

19 SECTION 15. IC 14-26-8-58 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 58. (a) The amount of
21 an assessment as made or approved and confirmed by the court is a lien
22 upon the land assessed from the time the assessment is approved and
23 confirmed. The lien follows all other improvement liens upon the
24 affected real property in order of priority as to date of attachment.

25 (b) The **professional** surveyor charged with the construction of the
26 work shall keep in the **professional** surveyor's office a complete copy
27 of the assessments that may, upon demand, be examined by any
28 interested person.

29 (c) An owner of land assessed for benefits who desires to transfer
30 the property free and clear of the lien for the assessment may deposit
31 with the county treasurer the full amount of the benefits assessed
32 against the tract or parcel of land. When the **professional** surveyor has
33 made the final computation to the county auditor, the treasurer shall
34 pay to the person paying the assessment the surplus, if any, over the
35 actual assessment. Whenever the owner of a tract or parcel of land has
36 paid to the treasurer and the treasurer's books show the payment, the
37 lien for the assessment on the tract or parcel of land is automatically
38 canceled.

39 SECTION 16. IC 14-26-8-61 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 61. (a) If a petition is
41 filed under IC 36-9-27 for the construction, reconstruction, alteration,
42 repair, or recleaning of a drainage ditch that extends into or within one

C
o
p
y



1 hundred sixty (160) rods of a freshwater lake and has a bottom depth
 2 lower than the average normal water level of the lake, the petition may
 3 ask that:

- 4 (1) the owners of land abutting or within four hundred forty (440)
 5 yards of the shoreline or water line of each lake likely to be
 6 affected;
 7 (2) each county in which the lake lies; and
 8 (3) the department;

9 participate in the cost of constructing a dam or structure, diversion
 10 ditches, pumping stations, or other appurtenances necessary to protect
 11 and preserve the water level of the lake.

12 (b) If a request is made in a petition under subsection (a), the court
 13 having jurisdiction of the drainage proceedings shall appoint additional
 14 viewers as prescribed in this chapter to represent the county and the
 15 department. The viewers shall file a separate report on whether a dam,
 16 other structure, diversion ditch, pumping station, or other appurtenance
 17 is practicable and of public need.

18 (c) If the report of the viewers is in the affirmative, the **professional**
 19 surveyor for the drainage project shall include in the report plans and
 20 specifications for the improvement and apportion assessments and
 21 damages in the same manner as prescribed in this chapter governing
 22 raising or maintaining lake levels.

23 SECTION 17. IC 14-26-8-63 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 63. If:

- 25 (1) the construction of a dam, other structure, diversion ditch,
 26 pumping station, or other appurtenance in connection with the
 27 preservation or stabilization of a lake is petitioned for under
 28 section 62 of this chapter in connection with a drainage
 29 proceeding; and

- 30 (2) in the **professional** surveyor's opinion, the improvement to the
 31 lake will:

- 32 (A) be beneficial to any person affected by the drainage
 33 project; or
 34 (B) in any way provide better drainage than if the water level
 35 of the lake is left uncontrolled or undisturbed;

36 the **professional** surveyor for the drainage project may assess a part of
 37 the cost of the improvement that would normally be paid by those
 38 persons who own land abutting or within four hundred forty (440)
 39 yards of the shoreline or water line of the lake to any person affected
 40 by the drainage project.

41 SECTION 18. IC 14-28-1-26.5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.5. (a) This section

C
O
P
Y



- 1 applies to the following activities:
- 2 (1) The placement or replacement of a mobile home within a
- 3 boundary river floodway.
- 4 (2) The repair of a residence that:
- 5 (A) is located in a boundary river floodway; and
- 6 (B) has been damaged by floodwaters or another means;
- 7 except for the reconstruction of a residence to which section 25 of
- 8 this chapter applies.
- 9 (3) The construction of an:
- 10 (A) addition to; or
- 11 (B) improvement of;
- 12 a residential structure within a boundary river floodway.
- 13 (4) The construction of a new residence within a boundary river
- 14 floodway.
- 15 (b) The federal regulations that:
- 16 (1) were adopted by the director of the Federal Emergency
- 17 Management Agency to implement the National Flood Insurance
- 18 Act (42 U.S.C. 4001 et seq.);
- 19 (2) are published in 44 CFR Parts 59 through 60; and
- 20 (3) are in effect on January 1, 1997;
- 21 are adopted as the criteria for determining whether an activity referred
- 22 to in subsection (a) is allowed in Indiana. However, the lowest floor of
- 23 a new residence constructed within a boundary river floodway referred
- 24 to in subsection (a)(4) must be at least two (2) feet above the one
- 25 hundred (100) year frequency flood elevation.
- 26 (c) A person who wishes to perform an activity referred to in
- 27 subsection (a) is authorized to perform the activity if:
- 28 (1) the federal regulations described in subsection (b) as the
- 29 governing criteria allow the activity; and
- 30 (2) the person obtains a permit for the activity under this section.
- 31 (d) To obtain a permit for an activity referred to in subsection (a),
- 32 a person must:
- 33 (1) file with the director a verified written application for a permit
- 34 on a form provided by the department; and
- 35 (2) pay to the department a nonrefundable fee of ten dollars (\$10).
- 36 (e) An application filed under this section must:
- 37 (1) set forth the material facts concerning the proposed activity;
- 38 and
- 39 (2) in the case of an activity described in subsection (a)(1), (a)(3),
- 40 or (a)(4), include plans and specifications for the construction,
- 41 reconstruction, or repair.
- 42 (f) If an application submitted under this section meets the

C
O
P
Y



1 requirements set forth in subsections (d) and (e), the director may not
2 reject the application unless the regulations adopted as the governing
3 criteria under subsection (b) do not allow the activity.

4 (g) If the federal regulations adopted as the governing criteria under
5 subsection (b) authorize a type of activity only when certain conditions
6 are met, a permit that the director issues for that type of activity may
7 require the applicant, in carrying out the activity, to meet the same
8 conditions.

9 (h) If:

10 (1) there is a dispute under this section about the elevation of a
11 site; and

12 (2) the elevation of the site has been determined by a ~~registered~~
13 ~~land~~ **professional** surveyor;

14 the elevation determined by the ~~registered land~~ **professional** surveyor
15 must be used as the accepted elevation.

16 SECTION 19. IC 14-36-1-27 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. (a) Within sixty
18 (60) days after the earlier of:

19 (1) the expiration of a permit; or

20 (2) the completion or abandonment of the operation for which a
21 permit was issued;

22 the operator shall file with the director a report of the operation
23 licensed on a form prescribed by the director.

24 (b) The report must do the following:

25 (1) Identify the operator and the permit under which operations
26 were conducted.

27 (2) State the county and township in which the area affected by
28 the operations is located.

29 (3) Describe the area of land affected by the operation within the
30 time covered by the report with sufficient certainty so that the
31 land may be located and distinguished from other land. A map
32 shall be attached to the report certified by a **professional** surveyor
33 registered under Indiana law showing the boundary lines of the
34 area of land affected by the operation within the time covered by
35 the report.

36 SECTION 20. IC 14-37-4-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. An application for
38 a permit must include the following:

39 (1) A plat of the land or lease upon which the well is to be
40 located, together with all property and lease lines and the acreage
41 within the tract.

42 (2) The location of the proposed well as certified by a ~~land~~

C
O
P
Y



- 1 **professional** surveyor registered under IC 25-21.5.
- 2 (3) The surface elevation of the proposed well and the method
- 3 used for determining that elevation.
- 4 (4) The depth of the proposed well.
- 5 (5) The number and location of all other dry, abandoned, or
- 6 producing wells located within one-fourth (1/4) mile of the
- 7 proposed well.
- 8 (6) The distance from the proposed well to the three (3) nearest
- 9 boundary lines of the tract.
- 10 (7) With respect to an application to drill within a city or town, a
- 11 certified copy of the official consent by ordinance of the
- 12 municipal legislative body.
- 13 (8) Other information determined by the commission that is
- 14 necessary to administer this article.

15 SECTION 21. IC 22-10-2-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) All maps
 17 required to show the underground workings of any mine, within this
 18 state, shall be made or certified by a registered engineer or ~~land~~
 19 **professional** surveyor and sealed by ~~such the~~ professional engineer or
 20 ~~land~~ **professional** surveyor.

21 (b) The map shall be kept up-to-date by temporary notations and the
 22 map shall be revised and supplemented at intervals prescribed by the
 23 director on the basis of a survey made or certified by ~~such the~~
 24 **professional** engineer or **professional** surveyor.

25 (c) Mine maps shall be revised and supplemented at intervals of not
 26 more than once a year.

- 27 (d) Temporary notations shall include:
- 28 (1) the location of each working face of each working place;
 - 29 (2) pillars mined or other such second mining;
 - 30 (3) permanent ventilation controls constructed or removed, such
 - 31 as seals, overcasts, undercasts, regulators, and permanent
 - 32 stoppings, and the direction of air currents indicated; and
 - 33 (4) escapeways designated by means of symbols.

34 SECTION 22. IC 23-1.5-1-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. "Architectural or
 36 engineering professional" means an individual who is registered as:

- 37 (1) an architect under IC 25-4-1;
- 38 (2) a landscape architect under IC 25-4-2;
- 39 (3) a professional engineer under IC 25-31-1; or
- 40 (4) a ~~land~~ **professional** surveyor under IC 25-21.5.

41 SECTION 23. IC 23-1.5-1-9 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. "Licensing authority"

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

means the following:

- (1) In the case of an accounting professional, the Indiana state board of public accountancy.
- (2) In the case of an architectural professional, the board of registration for architects and landscape architects.
- (3) In the case of an engineering professional, the state board of registration for professional engineers.
- (4) In the case of an attorney, the Indiana supreme court.
- (5) In the case of a health care professional, the board (as defined in IC 25-1-9-1) that issues the individual's license, certification, or registration.
- (6) In the case of a veterinarian, the Indiana board of veterinary medical examiners.
- (7) In the case of a ~~land~~ **professional** surveyor, the state board of registration for ~~land~~ **professional** surveyors.
- (8) In the case of a real estate professional, the Indiana real estate commission.

SECTION 24. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) ~~Land~~ **Professional** surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.

C
o
p
y



- 1 (16) Pharmacists and assistants, drugstores or pharmacies.
- 2 (17) Motels and mobile home community licenses.
- 3 (18) Nurses.
- 4 (19) Podiatrists.
- 5 (20) Occupational therapists and occupational therapy assistants.
- 6 (21) Respiratory care practitioners.
- 7 (22) Social workers, marriage and family therapists, and mental
- 8 health counselors.
- 9 (23) Real estate appraiser licenses and certificates issued by the
- 10 real estate appraiser licensure and certification board.
- 11 (24) Wholesale legend drug distributors.
- 12 (25) Physician assistants.
- 13 (26) Dietitians.
- 14 (27) Athlete agents.
- 15 (28) Manufactured home installers.
- 16 (29) Home inspectors.
- 17 (30) Massage therapists.
- 18 (31) Interior designers.
- 19 (32) Genetic counselors.

20 SECTION 25. IC 25-1-2-6, AS AMENDED BY P.L.197-2011,
 21 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 6. (a) As used in this section, "license" includes
 23 all occupational and professional licenses, registrations, permits, and
 24 certificates issued under the Indiana Code, and "licensee" includes all
 25 occupational and professional licensees, registrants, permittees, and
 26 certificate holders regulated under the Indiana Code.

27 (b) This section applies to the following entities that regulate
 28 occupations or professions under the Indiana Code:

- 29 (1) Indiana board of accountancy.
- 30 (2) Indiana grain buyers and warehouse licensing agency.
- 31 (3) Indiana auctioneer commission.
- 32 (4) Board of registration for architects and landscape architects.
- 33 (5) State board of cosmetology and barber examiners.
- 34 (6) Medical licensing board of Indiana.
- 35 (7) Secretary of state.
- 36 (8) State board of dentistry.
- 37 (9) State board of funeral and cemetery service.
- 38 (10) Worker's compensation board of Indiana.
- 39 (11) Indiana state board of health facility administrators.
- 40 (12) Committee of hearing aid dealer examiners.
- 41 (13) Indiana state board of nursing.
- 42 (14) Indiana optometry board.

COPY



- 1 (15) Indiana board of pharmacy.
- 2 (16) Indiana plumbing commission.
- 3 (17) Board of podiatric medicine.
- 4 (18) Private investigator and security guard licensing board.
- 5 (19) State board of registration for professional engineers.
- 6 (20) State psychology board.
- 7 (21) Indiana real estate commission.
- 8 (22) Speech-language pathology and audiology board.
- 9 (23) Department of natural resources.
- 10 (24) Board of chiropractic examiners.
- 11 (25) Mining board.
- 12 (26) Indiana board of veterinary medical examiners.
- 13 (27) State department of health.
- 14 (28) Indiana physical therapy committee.
- 15 (29) Respiratory care committee.
- 16 (30) Occupational therapy committee.
- 17 (31) Behavioral health and human services licensing board.
- 18 (32) Real estate appraiser licensure and certification board.
- 19 (33) State board of registration for ~~land~~ **professional** surveyors.
- 20 (34) Physician assistant committee.
- 21 (35) Indiana dietitians certification board.
- 22 (36) Attorney general (only for the regulation of athlete agents).
- 23 (37) Manufactured home installer licensing board.
- 24 (38) Home inspectors licensing board.
- 25 (39) State board of massage therapy.
- 26 (40) Any other occupational or professional agency created after
- 27 June 30, 1981.

28 (c) Notwithstanding any other law, the entities included in
 29 subsection (b) shall send a notice of the upcoming expiration of a
 30 license to each licensee at least sixty (60) days prior to the expiration
 31 of the license. The notice must inform the licensee of the need to renew
 32 and the requirement of payment of the renewal fee. If this notice of
 33 expiration is not sent by the entity, the licensee is not subject to a
 34 sanction for failure to renew if, once notice is received from the entity,
 35 the license is renewed within forty-five (45) days of the receipt of the
 36 notice.

37 (d) Notwithstanding any other law, the entities included in
 38 subsection (b) shall send notice of the expiration of a license to each
 39 individual whose license has expired within thirty (30) days following
 40 the expiration of the license. The notice must meet the following
 41 requirements:

- 42 (1) Inform the individual of the following:

C
o
p
y



- 1 (A) That the individual's license has expired.
- 2 (B) Any requirements that must be met before reinstatement
- 3 of a license may occur.
- 4 (2) Be sent electronically. However, if the entity does not have an
- 5 electronic mail address on record for the individual, the notice
- 6 must be sent via United States mail.
- 7 SECTION 26. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010,
- 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2013]: Sec. 0.3. As used in this chapter, "board" means any of
- 10 the following:
- 11 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 12 (2) Board of registration for architects and landscape architects
- 13 (IC 25-4-1-2).
- 14 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 15 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 16 (5) Board of chiropractic examiners (IC 25-10-1).
- 17 (6) State board of cosmetology and barber examiners
- 18 (IC 25-8-3-1).
- 19 (7) State board of dentistry (IC 25-14-1).
- 20 (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- 21 (9) State board of registration for professional engineers
- 22 (IC 25-31-1-3).
- 23 (10) State board of funeral and cemetery service (IC 25-15-9).
- 24 (11) Indiana state board of health facility administrators
- 25 (IC 25-19-1).
- 26 (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- 27 (13) Home inspectors licensing board (IC 25-20.2-3-1).
- 28 (14) State board of registration for ~~land~~ **professional** surveyors
- 29 (IC 25-21.5-2-1).
- 30 (15) Manufactured home installer licensing board (IC 25-23.7).
- 31 (16) Medical licensing board of Indiana (IC 25-22.5-2).
- 32 (17) Indiana state board of nursing (IC 25-23-1).
- 33 (18) Occupational therapy committee (IC 25-23.5).
- 34 (19) Indiana optometry board (IC 25-24).
- 35 (20) Indiana board of pharmacy (IC 25-26).
- 36 (21) Indiana physical therapy committee (IC 25-27-1).
- 37 (22) Physician assistant committee (IC 25-27.5).
- 38 (23) Indiana plumbing commission (IC 25-28.5-1-3).
- 39 (24) Board of podiatric medicine (IC 25-29-2-1).
- 40 (25) Private investigator and security guard licensing board
- 41 (IC 25-30-1-5.2).
- 42 (26) State psychology board (IC 25-33).

COPY



- 1 (27) Indiana real estate commission (IC 25-34.1-2).
 2 (28) Real estate appraiser licensure and certification board
 3 (IC 25-34.1-8).
 4 (29) Respiratory care committee (IC 25-34.5).
 5 (30) Behavioral health and human services licensing board
 6 (IC 25-23.6).
 7 (31) Speech-language pathology and audiology board
 8 (IC 25-35.6-2).
 9 (32) Indiana board of veterinary medical examiners
 10 (IC 25-38.1-2).

11 SECTION 27. IC 25-1-6-3, AS AMENDED BY P.L.42-2011,
 12 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 3. (a) The licensing agency shall perform all
 14 administrative functions, duties, and responsibilities assigned by law
 15 or rule to the executive director, secretary, or other statutory
 16 administrator of the following:

- 17 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 18 (2) Board of registration for architects and landscape architects
 19 (IC 25-4-1-2).
 20 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 21 (4) State board of cosmetology and barber examiners
 22 (IC 25-8-3-1).
 23 (5) State board of funeral and cemetery service (IC 25-15-9).
 24 (6) State board of registration for professional engineers
 25 (IC 25-31-1-3).
 26 (7) Indiana plumbing commission (IC 25-28.5-1-3).
 27 (8) Indiana real estate commission (IC 25-34.1).
 28 (9) Real estate appraiser licensure and certification board
 29 (IC 25-34.1-8-1).
 30 (10) Private investigator and security guard licensing board
 31 (IC 25-30-1-5.2).
 32 (11) State board of registration for ~~land~~ **professional** surveyors
 33 (IC 25-21.5-2-1).
 34 (12) Manufactured home installer licensing board (IC 25-23.7).
 35 (13) Home inspectors licensing board (IC 25-20.2-3-1).
 36 (14) State board of massage therapy (IC 25-21.8-2-1).

37 (b) Nothing in this chapter may be construed to give the licensing
 38 agency policy making authority, which remains with each board.

39 SECTION 28. IC 25-1-7-1, AS AMENDED BY P.L.42-2011,
 40 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]: Sec. 1. As used in this chapter:

42 "Board" means the appropriate agency listed in the definition of

C
o
p
y



- 1 regulated occupation in this section.
- 2 "Director" refers to the director of the division of consumer
3 protection.
- 4 "Division" refers to the division of consumer protection, office of
5 the attorney general.
- 6 "Licensee" means a person who is:
- 7 (1) licensed, certified, or registered by a board listed in this
8 section; and
- 9 (2) the subject of a complaint filed with the division.
- 10 "Person" means an individual, a partnership, a limited liability
11 company, or a corporation.
- 12 "Regulated occupation" means an occupation in which a person is
13 licensed, certified, or registered by one (1) of the following:
- 14 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 15 (2) Board of registration for architects and landscape architects
16 (IC 25-4-1-2).
- 17 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 18 (4) Board of chiropractic examiners (IC 25-10-1).
- 19 (5) State board of cosmetology and barber examiners
20 (IC 25-8-3-1).
- 21 (6) State board of dentistry (IC 25-14-1).
- 22 (7) State board of funeral and cemetery service (IC 25-15-9).
- 23 (8) State board of registration for professional engineers
24 (IC 25-31-1-3).
- 25 (9) Indiana state board of health facility administrators
26 (IC 25-19-1).
- 27 (10) Medical licensing board of Indiana (IC 25-22.5-2).
- 28 (11) Indiana state board of nursing (IC 25-23-1).
- 29 (12) Indiana optometry board (IC 25-24).
- 30 (13) Indiana board of pharmacy (IC 25-26).
- 31 (14) Indiana plumbing commission (IC 25-28.5-1-3).
- 32 (15) Board of podiatric medicine (IC 25-29-2-1).
- 33 (16) State psychology board (IC 25-33).
- 34 (17) Speech-language pathology and audiology board
35 (IC 25-35.6-2).
- 36 (18) Indiana real estate commission (IC 25-34.1-2).
- 37 (19) Indiana board of veterinary medical examiners (IC 25-38.1).
- 38 (20) Department of natural resources for purposes of licensing
39 water well drillers under IC 25-39-3.
- 40 (21) Respiratory care committee (IC 25-34.5).
- 41 (22) Private investigator and security guard licensing board
42 (IC 25-30-1-5.2).

C
o
p
y



- 1 (23) Occupational therapy committee (IC 25-23.5).
 2 (24) Behavioral health and human services licensing board
 3 (IC 25-23.6).
 4 (25) Real estate appraiser licensure and certification board
 5 (IC 25-34.1-8).
 6 (26) State board of registration for ~~land~~ **professional** surveyors
 7 (IC 25-21.5-2-1).
 8 (27) Physician assistant committee (IC 25-27.5).
 9 (28) Indiana athletic trainers board (IC 25-5.1-2-1).
 10 (29) Indiana dietitians certification board (IC 25-14.5-2-1).
 11 (30) Indiana physical therapy committee (IC 25-27).
 12 (31) Manufactured home installer licensing board (IC 25-23.7).
 13 (32) Home inspectors licensing board (IC 25-20.2-3-1).
 14 (33) State department of health, for out-of-state mobile health
 15 care entities.
 16 (34) State board of massage therapy (IC 25-21.8-2-1).
 17 (35) Any other occupational or professional agency created after
 18 June 30, 1981.
- 19 SECTION 29. IC 25-1-8-1, AS AMENDED BY P.L.42-2011,
 20 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of
 22 the following:
- 23 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 24 (2) Board of registration for architects and landscape architects
 25 (IC 25-4-1-2).
 26 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 27 (4) Board of chiropractic examiners (IC 25-10-1).
 28 (5) State board of cosmetology and barber examiners
 29 (IC 25-8-3-1).
 30 (6) State board of dentistry (IC 25-14-1).
 31 (7) State board of funeral and cemetery service (IC 25-15).
 32 (8) State board of registration for professional engineers
 33 (IC 25-31-1-3).
 34 (9) Indiana state board of health facility administrators
 35 (IC 25-19-1).
 36 (10) Medical licensing board of Indiana (IC 25-22.5-2).
 37 (11) Mining board (IC 22-10-1.5-2).
 38 (12) Indiana state board of nursing (IC 25-23-1).
 39 (13) Indiana optometry board (IC 25-24).
 40 (14) Indiana board of pharmacy (IC 25-26).
 41 (15) Indiana plumbing commission (IC 25-28.5-1-3).
 42 (16) State psychology board (IC 25-33).

C
O
P
Y

- 1 (17) Speech-language pathology and audiology board
- 2 (IC 25-35.6-2).
- 3 (18) Indiana real estate commission (IC 25-34.1-2-1).
- 4 (19) Indiana board of veterinary medical examiners
- 5 (IC 25-38.1-2-1).
- 6 (20) Department of insurance (IC 27-1).
- 7 (21) State police department (IC 10-11-2-4), for purposes of
- 8 certifying polygraph examiners under IC 25-30-2.
- 9 (22) Department of natural resources for purposes of licensing
- 10 water well drillers under IC 25-39-3.
- 11 (23) Private investigator and security guard licensing board
- 12 (IC 25-30-1-5.2).
- 13 (24) Occupational therapy committee (IC 25-23.5-2-1).
- 14 (25) Behavioral health and human services licensing board
- 15 (IC 25-23.6-2-1).
- 16 (26) Real estate appraiser licensure and certification board
- 17 (IC 25-34.1-8).
- 18 (27) State board of registration for ~~land~~ **professional** surveyors
- 19 (IC 25-21.5-2-1).
- 20 (28) Physician assistant committee (IC 25-27.5).
- 21 (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- 22 (30) Board of podiatric medicine (IC 25-29-2-1).
- 23 (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- 24 (32) Indiana physical therapy committee (IC 25-27).
- 25 (33) Manufactured home installer licensing board (IC 25-23.7).
- 26 (34) Home inspectors licensing board (IC 25-20.2-3-1).
- 27 (35) State board of massage therapy (IC 25-21.8-2-1).
- 28 (36) Any other occupational or professional agency created after
- 29 June 30, 1981.

30 SECTION 30. IC 25-1-11-9, AS AMENDED BY P.L.42-2011,
 31 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 9. A practitioner registered as an engineer or a
 33 ~~land~~ **professional** surveyor is subject to the disciplinary sanctions
 34 under section 12 of this chapter if, after a hearing, the board finds that
 35 the practitioner:

- 36 (1) has permitted the practitioner's seal to be affixed to plans,
- 37 specifications, or drawings not prepared by the practitioner or
- 38 under the practitioner's personal supervision by the practitioner's
- 39 regularly employed subordinates; or
- 40 (2) has used the title "architect" or advertised to practice
- 41 architecture and is not registered under IC 25-4-1.

42 SECTION 31. IC 25-4-2-1 IS AMENDED TO READ AS

C
o
p
y



1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As used in this
 2 chapter, "board" means the board of registration for architects and
 3 landscape architects as established under IC 25-4-1-2.

4 (b) As used in this chapter, "landscape architecture" means the
 5 practice of professional services such as consultation, investigation,
 6 reconnaissance, research, planning, design, or responsible supervision
 7 to develop land areas for the dominant purpose of preserving,
 8 enhancing, or determining:

- 9 (1) proper land uses;
- 10 (2) natural land features;
- 11 (3) ground cover and planting;
- 12 (4) naturalistic and aesthetic values;
- 13 (5) the settings and approaches to structures or other
- 14 improvements;
- 15 (6) the natural environment of a facility, an individual building,
- 16 or other structure;
- 17 (7) site specific natural surface and subsoil drainage systems;
- 18 (8) landscape grading, swales, curbs, and walkways; and
- 19 (9) any inherent problems of the land relating to erosion, overuse,
- 20 blight, or other hazards.

21 The term includes the location and arrangement of the proposed
 22 tangible objects and features that are incidental and necessary to
 23 accomplish the purposes of landscape architecture.

24 (c) As used in this chapter, "practitioner" means an individual
 25 registered as a landscape architect under this chapter.

26 (d) Except as provided in subsection (b), this chapter does not
 27 authorize a practitioner to:

- 28 (1) engage in the design of mechanical lift stations, sewage
- 29 treatment facilities, sanitary and combined sewers, storm water
- 30 management projects, public, semi-public, and private utilities, or
- 31 other structures or facilities with separate and self-contained
- 32 purposes, if the design work is ordinarily included in the practice
- 33 of architecture or engineering;
- 34 (2) engage in the design of highways or traffic control devices;
- 35 (3) engage in the scientific analysis of hazardous material
- 36 contamination;
- 37 (4) engage in topographic mapping or the certification of land
- 38 surveys or final land plats for official approval or recording;
- 39 (5) otherwise engage in the practice of architecture (as defined in
- 40 IC 25-4-1);
- 41 (6) otherwise engage in the practice of professional engineering
- 42 (as defined in IC 25-31);

C
O
P
Y



- 1 (7) engage in the practice of ~~land~~ surveying (as defined in
- 2 IC 25-21.5); or
- 3 (8) engage in the practice of professional geology (as defined in
- 4 IC 25-17.6).

5 (e) This chapter, except section 10(a)(1) and 10(a)(2) of this
 6 chapter, does not apply to:

- 7 (1) the practice of landscape architecture by any person who acts
- 8 under the supervision of a practitioner or by an employee of a
- 9 person lawfully engaged in the practice of landscape architecture
- 10 and who, in either event, does not assume responsible charge of
- 11 design or supervision;
- 12 (2) the practice of architecture or land planning and proper land
- 13 usage by a duly registered professional architect or the doing of
- 14 landscape architectural work by a registered architect or by an
- 15 employee under the supervision of a registered architect;
- 16 (3) the practice of engineering or land planning and proper land
- 17 usage by a duly registered professional engineer and the doing of
- 18 landscape architectural work by a registered professional engineer
- 19 or by an employee under supervision of a registered professional
- 20 engineer;
- 21 (4) the practice of surveying or land planning and proper land
- 22 usage by a ~~registered land~~ **professional** surveyor and the doing of
- 23 landscape architectural work by a ~~registered land~~ **professional**
- 24 surveyor or by an employee under supervision of a ~~registered land~~
- 25 **professional** surveyor;
- 26 (5) the practice of landscape architecture by employees of the
- 27 United States government while engaged within this state in the
- 28 practice of landscape architecture for the United States
- 29 government;
- 30 (6) the practice of planning as is customarily done by regional,
- 31 park, or urban planners;
- 32 (7) the practice of arborists, foresters, gardeners, turf managers,
- 33 home builders, horticulturists, farmers, and other similar persons;
- 34 (8) the practice of any nurseryman or general or landscape
- 35 contractor, including design, planning, location, planting and
- 36 arrangements of plantings or other ornamental features; or
- 37 (9) the practice of natural resource professionals, including
- 38 biologists, geologists, or soil scientists.

39 SECTION 32. IC 25-21.5-1-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. "Board" refers to the
 41 state board of registration for ~~land~~ **professional** surveyors.

42 SECTION 33. IC 25-21.5-1-3.5 IS ADDED TO THE INDIANA

C
O
P
Y



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 3.5. "GIS" means geographic**
 3 **information system.**

4 SECTION 34. IC 25-21.5-1-3.7 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: **Sec. 3.7. "GNSS" means global**
 7 **navigation satellite system.**

8 SECTION 35. IC 25-21.5-1-4 IS REPEALED [EFFECTIVE JULY
 9 1, 2013]. **Sec. 4. "Land surveyor" means a person who:**

10 (1) has special knowledge of mathematics and surveying
 11 principles and methods that are acquired by education and
 12 practical experience; and

13 (2) is a registered land surveyor.

14 SECTION 36. IC 25-21.5-1-5 IS REPEALED [EFFECTIVE JULY
 15 1, 2013]. **Sec. 5. "Land-surveyor-in-training" means a person who has:**

16 (1) graduated from an approved surveying curriculum of at least
 17 four (4) years or who has acquired, through surveying education
 18 and experience in surveying work, knowledge and skill
 19 approximating that obtained by graduation in an approved
 20 surveying curriculum of at least four (4) years;

21 (2) successfully passed an examination as prescribed in
 22 IC 25-21.5-6; and

23 (3) an appropriate certificate of enrollment as a
 24 land-surveyor-in-training.

25 SECTION 37. IC 25-21.5-1-7 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) "Practice of land**
 27 **surveying" means any of the following:**

28 (1) The measurement of directions and distances needed to
 29 establish or reestablish the corners and boundaries required to
 30 locate lots; parcels; tracts; or divisions of land.

31 (2) The determination of elevations and preparation of
 32 topographic drawings for tracts of land.

33 (3) The preparation of subdivision plats.

34 (4) The preparation of legal descriptions of tracts of land to be
 35 used in the preparation of deeds of conveyance or other
 36 instruments, except when prepared by an attorney who is licensed
 37 to practice law in Indiana.

38 (5) The determination of the amount of acreage contained in a
 39 tract of land, except when determined by an attorney who is
 40 licensed to practice law in Indiana.

41 (b) The term includes the following:

42 (1) For and within subdivisions being laid out or having been laid

C
O
P
Y



1 out by the land surveyor; the preparation and furnishing of plats;
 2 plans; and profiles for roads; storm drainage; sanitary sewer
 3 extensions; and the location of residences or dwellings where the
 4 work involves the use and application of standards prescribed by
 5 local; state; or federal authorities:

6 (2) The necessary staking and layout work to construct roads;
 7 storm drainage; sanitary sewer extensions or location of
 8 residences or dwellings; if the plans and profiles were prepared by
 9 or under the direction of a land surveyor:

10 (3) Preliminary surveys for preparation of plans for engineering
 11 and building construction projects and the staking out of the
 12 projects from plans prepared by a registered professional engineer
 13 or by a registered architect.

14 (4) All work incidental to cleaning out; reconstruction; or
 15 maintaining existing open and tile drains:

16 **"Practice of surveying" means providing, or offering to provide,
 17 professional services involving:**

18 (1) the making of geometric measurements of, and gathering
 19 related information pertaining to, the physical or legal
 20 features of the earth, improvements on the earth, the space
 21 above the earth, or any part of the earth; and

22 (2) the use and development of the measurements and
 23 information gathered under subdivision (1) into survey
 24 products, including graphics, digital data, maps, plats, plans,
 25 reports, and descriptions and projects.

26 (b) Professional services provided under the practice of
 27 surveying include consultation, investigation, testimony evaluation,
 28 expert technical testimony, planning, mapping, assembling, and
 29 interpreting gathered measurements and information related to
 30 any of the following:

31 (1) Determining the configuration or contour of the earth's
 32 surface or the position of fixed objects thereon by measuring
 33 lines and angles and applying the principles of mathematics
 34 or photogrammetry.

35 (2) Determining the size and shape of the earth, or any point
 36 on the earth, by performing geodetic surveys using angular
 37 and linear measurements through spatially oriented spherical
 38 geometry.

39 (3) Determining, by the use of principles of surveying, the
 40 position for any nonboundary related survey control
 41 monument or reference point, or setting, resetting, or
 42 replacing any nonboundary related monument or reference

C
 O
 P
 Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- point.
- (4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.
- (5) Making any survey or preparing any plat for the subdivision of any tract of land.
- (6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.
- (7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.
- (8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.
- (9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:
 - (A) dependent on;
 - (B) in specific relation to; or
 - (C) in close proximity to a boundary or property line or corner, including easements and rights-of-way.
- (10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.
- (11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.
- (12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.
- (c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:
 - (1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed

C
O
P
Y



works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.

(2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

- (A) Geodetic control.
- (B) Orthoimagery.
- (C) Elevation and bathymetry.
- (D) Fixed works.
- (E) Government boundaries.
- (F) Cadastral information.

(3) Certification of positional accuracy of maps or measured survey data.

(4) Measurement, adjustment, and authoritative interpretation of raw survey data.

(5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

(6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.

(7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.

(8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition

C
O
P
Y



1 of the practice of surveying:

2 (1) The creation of general maps:

3 (A) prepared by private firms or government agencies for
4 use as guides to motorists, boaters, aviators, or
5 pedestrians;

6 (B) prepared for publication in a gazetteer or atlas as an
7 educational tool or reference publication;

8 (C) prepared for or by educational institutions for use in
9 the curriculum of any course of study;

10 (D) produced by any electronic or print media firm as an
11 illustrative guide to the geographic location of any event;
12 or

13 (E) prepared by lay persons for conversational or
14 illustrative purposes, including advertising material and
15 users' guides.

16 (2) The transcription of previously geo-referenced data into
17 a geographic information system by manual or electronic
18 means, and the maintenance thereof, if the data are clearly
19 not intended to indicate the authoritative location of property
20 boundaries, the precise definition of the shape or contour of
21 the earth, and the precise location of fixed works of humans.

22 (3) The transcription of public record data, without
23 modification except for graphical purposes, into geographic
24 information systems-based cadastres, including tax maps,
25 zoning maps, and associated records by manual or electronic
26 means, and the maintenance of that cadastre, if the data are
27 clearly not intended to authoritatively represent property
28 boundaries.

29 (4) The preparation of any document by any agency of the
30 federal government that does not define real property
31 boundaries, including civilian and military versions of
32 quadrangle topographic maps, military maps, satellite
33 imagery, and other similar documents.

34 (5) The incorporation or use of documents or data bases
35 prepared by any federal agency into a geographic information
36 system, including federal census and demographic data,
37 quadrangle topographic maps, and military maps.

38 (6) Inventory maps and data bases created by any
39 organization, in either hard copy or electronic form, of
40 physical features, facilities, or infrastructure that are wholly
41 contained within properties to which the organization has
42 rights or for which the organization has management

C
O
P
Y



1 responsibility. The distribution of these maps and data bases
 2 outside the organization must contain appropriate metadata
 3 describing, at a minimum, the accuracy, method of
 4 compilation, data source or sources, and date or dates, and
 5 disclaimers of use clearly indicating that the data are not
 6 intended to be used as a survey product.

7 (7) Maps and data bases depicting the distribution of natural
 8 resources or phenomena prepared by foresters, geologists, soil
 9 scientists, geophysicists, biologists, archeologists, historians,
 10 or other persons qualified to document the data.

11 (8) Maps and geo-referenced data bases depicting physical
 12 features and events prepared by any government agency if the
 13 access to that data is restricted by statute, including
 14 geo-referenced data generated by law enforcement agencies
 15 involving crime statistics and criminal activities.

16 (e) The use of photogrammetric methods or similar remote
 17 sensing technology to perform any part of the practice of surveying
 18 as defined in this section may be performed only under the direct
 19 control and supervision of a professional surveyor or a professional
 20 photogrammetrist.

21 (f) The practice of surveying encompasses a number of
 22 disciplines, including geodetic surveying, hydrographic surveying,
 23 cadastral surveying, construction staking, route surveying,
 24 photogrammetric surveying, and topographic surveying. A
 25 professional surveyor may practice only within the surveyor's area
 26 of expertise.

27 SECTION 38. IC 25-21.5-1-8 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. "Practice or offer to
 29 practice ~~land~~ surveying" means the act of a person who does any of the
 30 following:

31 (1) By verbal claim, sign, advertisement, letterhead, card,
 32 telephone listing, or in any other way represents the person as a
 33 ~~land~~ **professional** surveyor.

34 (2) Performs or offers to perform any acts or work involving the
 35 practice of ~~land~~ **professional** surveying.

36 SECTION 39. IC 25-21.5-1-8.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 8.5. "Professional surveyor"
 39 means a person who:

40 (1) has special knowledge of mathematics and surveying
 41 principles and methods that are acquired by education and
 42 practical experience; and

C
O
P
Y



1 **(2) is a registered professional surveyor.**
2 SECTION 40. IC 25-21.5-1-8.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: **Sec. 8.7. "Surveyor intern" means a**
5 **person who:**
6 **(1) has:**
7 **(A) graduated from an approved surveying curriculum of**
8 **at least four (4) years; or**
9 **(B) acquired, through surveying education and experience**
10 **in surveying work, knowledge and skill approximating that**
11 **obtained by graduation from an approved surveying**
12 **curriculum of at least four (4) years;**
13 **(2) has successfully passed an examination as prescribed**
14 **under IC 25-21.5-6; and**
15 **(3) has been issued an appropriate certificate of enrollment as**
16 **a surveyor intern under IC 25-21.5-7-2.**
17 SECTION 41. IC 25-21.5-2-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The state board of
19 registration for ~~land~~ **professional** surveyors is established.
20 SECTION 42. IC 25-21.5-2-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The board
22 consists of seven (7) members appointed by the governor.
23 (b) One (1) member must be appointed to represent the general
24 public who is:
25 (1) a resident of Indiana; and
26 (2) not associated with ~~land~~ surveying other than as a consumer.
27 (c) Six (6) members must be registered ~~land~~ **professional** surveyors
28 who engage in the practice of ~~land~~ surveying and who each meet the
29 following conditions:
30 (1) Is a citizen of the United States.
31 (2) Has been a resident of Indiana for at least five (5) years
32 immediately before the member's appointment.
33 (3) Is registered in Indiana as a ~~land~~ **professional** surveyor.
34 (4) Has been engaged in the lawful practice of ~~land~~ surveying for
35 at least eight (8) years.
36 (5) Has been in charge of ~~land~~ surveying work or ~~land~~ surveying
37 teaching for at least five (5) years.
38 (d) Of the registered ~~land~~ **professional** surveyors appointed under
39 subsection (c), three (3) must be engaged in the practice of ~~land~~
40 surveying on a full-time basis, and at least two (2) must be engaged in
41 the practice of ~~land~~ surveying on a part-time basis.
42 SECTION 43. IC 25-21.5-2-9 IS AMENDED TO READ AS

C
O
P
Y



1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. The board may
 2 authorize a member of the board or the secretary to attend a ~~land~~
 3 surveying conference or meeting that is primarily concerned with the
 4 registration of ~~land~~ **professional** surveyors.

5 SECTION 44. IC 25-21.5-2-14, AS AMENDED BY P.L.194-2005,
 6 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2013]: Sec. 14. (a) The board shall enforce and administer this
 8 article.

9 (b) The board shall adopt rules under IC 4-22-2 that are reasonably
 10 necessary to implement this article, including for the administration of
 11 the ~~registered land~~ **professional** surveyor and ~~registered land surveyor~~
 12 ~~in training surveyor intern~~ investigative fund established under
 13 IC 25-21.5-11-4, and establish standards for the competent practice of
 14 ~~land~~ surveying.

15 SECTION 45. IC 25-21.5-3-4, AS AMENDED BY P.L.177-2006,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 4. (a) Except as provided in IC 25-21.5-11-4 and
 18 subsection (b), the secretary shall receive and account for all money
 19 collected under this article and deposit the money in the state general
 20 fund with the treasurer of state. All expenses incurred in the
 21 administration of this article shall be paid from the state general fund.

22 (b) In addition to a registration fee determined under
 23 IC 25-21.5-7-5, the board shall establish a fee of not more than twenty
 24 dollars (\$20) for a ~~registered land~~ **professional** surveyor and a
 25 ~~registered land surveyor in training~~ **surveyor intern** to be paid at the
 26 time of:

- 27 (1) issuance of a certificate of registration **or certificate of**
 28 **enrollment;** and
- 29 (2) renewal of a certificate of registration **or certificate of**
 30 **enrollment;**

31 under this article to provide funds for administering and enforcing this
 32 article, including investigating and taking action against persons
 33 violating this article. All funds collected under this subsection shall be
 34 deposited in the ~~registered land~~ **professional** surveyor and ~~registered~~
 35 ~~land surveyor in training~~ **surveyor intern** investigative fund
 36 established by IC 25-21.5-11-4.

37 SECTION 46. IC 25-21.5-4-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. For the purpose of
 39 safeguarding life, health, and property, a person must be registered or
 40 exempted as a ~~land~~ **professional** surveyor to do the following:

- 41 (1) Practice or offer to practice ~~land~~ surveying in Indiana.
- 42 (2) Advertise or use a title or description tending to convey the

C
o
p
y



- 1 impression that the person is a ~~land~~ **professional** surveyor.
- 2 SECTION 47. IC 25-21.5-4-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The following
- 4 persons are exempt from this article:
- 5 (1) An employee or a subordinate of a person who holds a
- 6 certificate of registration under this article if the practice of the
- 7 employee or subordinate does not include responsible charge of
- 8 design or supervision.
- 9 (2) An officer or employee of the United States government while
- 10 engaged in Indiana in the practice of ~~land~~ surveying for the
- 11 United States government.
- 12 SECTION 48. IC 25-21.5-4-3 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. This article does not
- 14 require registration for the purpose of practicing ~~land~~ surveying by a
- 15 person, firm, or corporation on property owned or leased by the person,
- 16 firm, or corporation unless the practice involves the following:
- 17 (1) Public health or safety.
- 18 (2) The health or safety of the employees of the person, firm, or
- 19 corporation.
- 20 (3) ~~The performance of land surveying that relates solely to the~~
- 21 ~~design or fabrication of manufactured products.~~
- 22 **(3) Activities excluded from the definition of the practice of**
- 23 **surveying under IC 25-21.5-1-7(b)(4) through**
- 24 **IC 25-21.5-1-7(b)(8).**
- 25 SECTION 49. IC 25-21.5-4-4 IS ADDED TO THE INDIANA
- 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2013]: **Sec. 4. (a) If an individual is licensed**
- 28 **as a land surveyor on June 30, 2013, under this article:**
- 29 **(1) the individual is considered to be licensed as a professional**
- 30 **surveyor on July 1, 2013; and**
- 31 **(2) the state board of registration for professional surveyors**
- 32 **shall issue a license to the individual under this article.**
- 33 **(b) Notwithstanding subsection (a), the state board of**
- 34 **registration for professional surveyors and the Indiana**
- 35 **professional licensing agency are not required to issue:**
- 36 **(1) a new wall license to an individual described in subsection**
- 37 **(a); or**
- 38 **(2) a new pocket license to an individual described in**
- 39 **subsection (a);**
- 40 **until the license renewal period beginning December 1, 2013.**
- 41 **(c) This section expires January 1, 2014.**
- 42 SECTION 50. IC 25-21.5-5-2 IS AMENDED TO READ AS

C
o
p
y

1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. To qualify for
 2 registration as a ~~land~~ **professional** surveyor, an applicant must meet the
 3 following conditions under either subdivision (1) or (2):

4 (1) All of the following:

5 (A) Graduation in an approved ~~land~~ surveying curriculum.

6 (B) A specific record of at least four (4) years of experience in
 7 ~~land~~ surveying work that is acquired subsequent to graduation
 8 and that indicates that the applicant is qualified to be placed in
 9 responsible charge of ~~land~~ surveying work requiring the
 10 exercise of judgment in the application of surveying sciences
 11 to the sound solution of ~~land~~ surveying problems.

12 (C) The successful passing of an examination under
 13 IC 25-21.5-6.

14 (2) All of the following:

15 (A) A specific record of at least eight (8) years of ~~land~~
 16 surveying education and experience in ~~land~~ surveying work
 17 that indicates that the applicant has acquired knowledge and
 18 skill and practical experience in ~~land~~ surveying work
 19 approximating that required for registration as a professional
 20 ~~land~~ surveyor under subdivision (1).

21 (B) The successful passing of an examination under
 22 IC 25-21.5-6.

23 SECTION 51. IC 25-21.5-5-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant for
 25 certification as a ~~land-surveyor-in-training~~ **surveyor intern** must meet
 26 the following conditions under either subdivision (1) or (2):

27 (1) All of the following:

28 (A) Graduation in an approved ~~land~~ surveying curriculum of
 29 at least four (4) years.

30 (B) The successful passing of a ~~land-surveyor-in-training~~
 31 **surveyor intern** examination under IC 25-21.5-6.

32 (2) All of the following:

33 (A) A specific record of at least four (4) years of surveying
 34 education and experience in surveying work indicating that the
 35 applicant has acquired knowledge and skill approximating that
 36 acquired through graduation in an approved surveying
 37 curriculum of at least four (4) years.

38 (B) The successful passing of a ~~land-surveyor-in-training~~
 39 **surveyor intern** examination under IC 25-21.5-6.

40 (b) The board may waive the examination in granting a certificate
 41 of registration as a ~~land~~ **professional** surveyor to an applicant who has
 42 held an identical certificate of registration under Indiana law.

C
O
P
Y



1 SECTION 52. IC 25-21.5-5-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A person is not
 3 eligible for registration as a ~~land~~ **professional** surveyor or certification
 4 as a ~~land-surveyor-in-training~~ **surveyor intern** ~~who if the person has~~
 5 been convicted of any of the following:

6 (1) An act that would constitute grounds for disciplinary sanction
 7 under IC 25-1-11.

8 (2) A felony that has a direct bearing on the person's ability to
 9 practice competently.

10 SECTION 53. IC 25-21.5-5-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. A person ~~having~~
 12 **who has** the necessary qualifications prescribed in this chapter **and**
 13 who is entitled to registration is eligible for registration although the
 14 person may not be engaged in ~~land~~ surveying work at the time of
 15 application.

16 SECTION 54. IC 25-21.5-5-7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Each person
 18 applying for registration as a ~~land~~ **professional** surveyor or for
 19 certification as a ~~land-surveyor-in-training~~ **surveyor intern** must apply
 20 on a form prescribed and provided by the board.

21 SECTION 55. IC 25-21.5-5-8 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. Each application for
 23 registration as a ~~land~~ **professional** surveyor must contain the following:

24 (1) Statements showing either the registration number issued by
 25 another state or the education and qualifications of the applicant.

26 (2) A detailed summary of the technical work performed by the
 27 applicant, including a confirmation by the ~~registered land~~
 28 **professional** surveyor who supervised the work. If the summary
 29 of the technical work cannot be confirmed because of conditions
 30 beyond the control of the applicant, including death,
 31 incompetence, or nonregistration by the supervising ~~land~~
 32 **professional** surveyor, the board may allow the confirmation
 33 requirement to be fulfilled through other evidence.

34 (3) The names of five (5) persons to be used as references, at least
 35 three (3) of whom must be registered ~~land~~ **professional** surveyors
 36 who have a personal knowledge of the experience of the
 37 applicant.

38 SECTION 56. IC 25-21.5-5-9 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. Each application for
 40 certification as a ~~land-surveyor-in-training~~ **surveyor intern** must
 41 contain the following:

42 (1) Statements showing the education of the applicant.

C
o
p
y



1 (2) The names of three (3) persons to be used as references.
2 However, references are not required for an applicant who is
3 enrolled as a senior in an approved ~~land~~ surveying curriculum in
4 Indiana and has applied to take the basic disciplines part of the
5 examination described in IC 25-21.5-6-1 when the examination
6 is scheduled to be given at the applicant's institution before the
7 end of the applicant's senior year.

8 (3) An applicant who has not graduated from an approved ~~land~~
9 surveying curriculum must submit a detailed summary of the
10 technical work performed by the applicant, including a
11 confirmation by the ~~registered land~~ **professional** surveyor who
12 supervised the work. If the technical work summary cannot be
13 confirmed because of conditions beyond the control of the
14 applicant, including death, incompetence, or nonregistration by
15 the supervising ~~land~~ **professional** surveyor, the board may allow
16 the confirmation requirement to be fulfilled through other
17 evidence.

18 SECTION 57. IC 25-21.5-5-9.5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9.5. A reference for a
20 ~~land~~ **professional** surveyor applicant or a ~~land-surveyor-in-training~~
21 **surveyor intern** applicant must:

- 22 (1) contain the applicant's board assigned number; and
- 23 (2) be dated within one (1) year of the application.

24 SECTION 58. IC 25-21.5-6-1, AS AMENDED BY P.L.9-2012,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 1. The examination required of all applicants for
27 registration as a professional ~~land~~ surveyor must be a written or
28 computer based examination divided into the following two (2) parts:

29 (1) The basic disciplines part of the examination, **which** must be
30 designed to test the applicant's knowledge of the basic disciplines
31 of ~~land~~ surveying. The standard of proficiency required must
32 approximate that attained by graduation in an approved four (4)
33 year ~~land~~ surveying curriculum.

34 (2) The principles and practice part of the examination, **which**
35 must be designed primarily to test the principles and practice of
36 ~~land~~ surveying. The principles and practice part of the
37 examination must be divided into two (2) sections:

- 38 (A) The first section must test the applicant's understanding,
39 judgment, and ability to correctly apply the following:
 - 40 (i) Federal laws and regulations.
 - 41 (ii) Practices pertaining to the establishment, description,
42 and reestablishment of land boundaries.

C
o
p
y



- 1 (iii) The platting of subdivisions.
 2 (iv) The ethical, economic, and legal principles relating to
 3 the practice of ~~land~~ surveying.
 4 (v) The principles of mathematics relating to the practice of
 5 ~~land~~ surveying.
 6 (B) The second section must test the applicant's understanding,
 7 judgment, and ability to correctly apply the following:
 8 (i) ~~Items under~~ **What is set forth in** subdivision (2)(A)(i)
 9 through (2)(A)(v).
 10 (ii) Indiana laws and rules.
 11 (iii) Work that the ~~land~~ **professional** surveyor is permitted
 12 to perform under this article.
 13 (iv) The ability to write and interpret legal descriptions and
 14 solve narrative problems regarding the analysis and
 15 execution of ~~land~~ surveys and ~~land~~ survey problems.
- 16 SECTION 59. IC 25-21.5-6-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. An applicant for
 18 registration as a ~~land~~ **professional** surveyor who holds a
 19 ~~land-surveyor-in-training~~ **surveyor intern** certificate that was issued
 20 in Indiana or in any other state or territory of the United States having
 21 equivalent standards may be exempted from the basic disciplines part
 22 of the examination **described in section 1(1) of this chapter**.
- 23 SECTION 60. IC 25-21.5-6-3, AS AMENDED BY P.L.9-2012,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 3. The examination for certification as a
 26 ~~land-surveyor-in-training~~ **surveyor intern** must be a written or
 27 computer based examination. The examination must be identical in
 28 subject matter to, but may be more comprehensive than, the first part
 29 of the examination for registration as a professional ~~land~~ surveyor
 30 **described in section 1(1) of this chapter**.
- 31 SECTION 61. IC 25-21.5-6-4 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Examinations must
 33 be held at least two (2) times each year at times, places, and under
 34 conditions determined by the board. Examinations for certification as
 35 a ~~land-surveyor-in-training~~ **surveyor intern** may be held separately
 36 from the examinations for registration as a ~~land~~ **professional** surveyor.
- 37 SECTION 62. IC 25-21.5-6-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. An applicant for
 39 registration as a ~~land~~ **professional** surveyor who is presently registered
 40 in another state or territory may be assigned a written examination if
 41 the board considers the written examination necessary to meet the
 42 requirements of this chapter.

C
o
p
y

1 SECTION 63. IC 25-21.5-7-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The board shall
 3 issue a certificate of registration, upon the payment of the fee
 4 prescribed in this chapter, to an applicant who, in the opinion of the
 5 board, has satisfactorily met all requirements of this article.

6 (b) A certificate of registration for ~~land~~ **professional** surveying
 7 must:

- 8 (1) authorize the practice of ~~land~~ surveying;
 9 (2) show the full name of the ~~land~~ **professional** surveyor;
 10 (3) bear a serial number and date; and
 11 (4) be signed by each member and by the secretary under seal of
 12 the board.

13 (c) The issuance of a certificate by the board under this section is
 14 evidence that the named person is entitled to all the rights and
 15 privileges of a ~~registered land~~ **professional** surveyor from the date on
 16 the certificate until the certificate expires or is revoked.

17 SECTION 64. IC 25-21.5-7-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The board shall
 19 issue a certificate of enrollment as a ~~land-surveyor-in-training~~
 20 **surveyor intern** upon the payment of the certificate fee prescribed in
 21 this chapter to any applicant who, in the opinion of the board, has
 22 satisfactorily met all of the requirements of this article.

23 (b) A certificate of enrollment as a ~~land-surveyor-in-training~~
 24 **surveyor intern** must state that the applicant has successfully passed
 25 the examination in fundamental surveying subjects required by the
 26 board and has been enrolled as a ~~land-surveyor-in-training~~ **surveyor**
 27 **intern**. A certificate of enrollment must:

- 28 (1) show the full name of the ~~land-surveyor-in-training~~ **surveyor**
 29 **intern**;
 30 (2) bear a serial number and date; and
 31 (3) be signed by the chairman and the secretary, under the seal of
 32 the board.

33 (c) The issuance of a certificate by the board is evidence that the
 34 person named on the certificate is entitled to all the rights and
 35 privileges of a ~~land-surveyor-in-training~~ **surveyor intern** until the
 36 certificate expires or is revoked.

37 SECTION 65. IC 25-21.5-7-3 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. A registration
 39 certificate for a ~~land~~ **professional** surveyor may be issued only to a
 40 natural person. A partnership, firm, or corporation doing business in
 41 Indiana may not be engaged in the practice of ~~land~~ surveying unless the
 42 practice is carried on under the responsible direction and supervision

C
O
P
Y



1 of a ~~registered land~~ **professional** surveyor who is a full-time employee
 2 and a principal of the firm or partnership or an officer of the
 3 corporation. The name of the registrant must appear when the firm
 4 name is used in the professional practice of the firm, partnership, or
 5 corporation. Any ~~land~~ surveys, plans, sheets of designs, specifications,
 6 or other documents requiring certification that are prepared by the
 7 personnel of any partnership, firm, or corporation must carry the
 8 signature and seal of the ~~registered land~~ **professional** surveyor who
 9 was responsible for and in charge of the ~~land~~ surveying work.

10 SECTION 66. IC 25-21.5-7-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The board may issue
 12 a certificate of registration as a ~~land~~ **professional** surveyor to any
 13 person who meets the following conditions:

14 (1) Properly applies for a certificate of registration.

15 (2) Pays the required fee.

16 (3) Holds a valid certificate of registration as a ~~land~~ **professional**
 17 surveyor issued by the proper authority of any state of the United
 18 States if the requirements for registration of ~~land~~ **professional**
 19 surveyors under which the certificate of registration was issued do
 20 not conflict with the provisions of this chapter and were of a
 21 standard not lower than that specified in the applicable
 22 registration statute in effect in Indiana at the time the certificate
 23 was issued.

24 SECTION 67. IC 25-21.5-7-5, AS AMENDED BY P.L.194-2005,
 25 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 5. The board shall determine the amount of
 27 registration fees for a ~~land~~ **professional** surveyor and certification fees
 28 for a ~~land surveyor in training~~, **surveyor intern**.

29 SECTION 68. IC 25-21.5-7-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. If the board refuses
 31 to issue a certificate of registration to a person who has made a proper
 32 application for registration as a ~~land~~ **professional** surveyor, the initial
 33 fee prescribed by the board and deposited with the board by the
 34 applicant shall be retained by the board as an application fee.

35 SECTION 69. IC 25-21.5-7-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. If the board refuses
 37 to issue a certificate to a person who has made proper application for
 38 certification as a ~~land-surveyor-in-training~~, **surveyor intern**, the fee
 39 prescribed by the board and deposited by the applicant with the board
 40 shall be retained as an application fee.

41 SECTION 70. IC 25-21.5-8-7, AS AMENDED BY P.L.197-2007,
 42 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



1 JULY 1, 2013]: Sec. 7. (a) The board may adopt rules requiring a ~~land~~
 2 **professional** surveyor to obtain continuing education for renewal of a
 3 certificate under this chapter.

4 (b) If the board adopts rules under this section, the rules must
 5 establish procedures for approving an organization that provides
 6 continuing education.

7 (c) If the board adopts rules under this section, the board may adopt
 8 rules to do the following:

9 (1) Allow private organizations to implement the continuing
 10 education requirement.

11 (2) Establish an inactive certificate of registration. If the board
 12 adopts rules establishing an inactive certificate, the board must
 13 adopt rules that:

14 (A) do not require the holder of an inactive certificate to obtain
 15 continuing education;

16 (B) prohibit the holder of an inactive certificate from
 17 practicing ~~land~~ surveying;

18 (C) establish requirements for reactivation of an inactive
 19 certificate; and

20 (D) do not require the holder of an inactive certificate to pay
 21 the registration and renewal fees required under
 22 IC 25-21.5-7-5.

23 SECTION 71. IC 25-21.5-9-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The granting of
 25 registration extends to the ~~land~~ **professional** surveyor the authority to
 26 use a seal of a design authorized by the rules of the board. The act of
 27 affixing the seal attests to the ~~land~~ **professional** surveyor's acceptance
 28 of full professional responsibility for the sealed documents. A person
 29 may not stamp or seal a document with a seal while the certificate of
 30 the named ~~land~~ **professional** surveyor is expired or revoked.

31 (b) Collection of field data, note reduction, computation, office
 32 analysis, and preparation of certificates and reports for a ~~land~~ survey,
 33 plan, specification, plat, drawing, or report sealed by a ~~land~~
 34 **professional** surveyor must be performed by a ~~land~~ **professional**
 35 surveyor or an employee acting under the personal supervision and
 36 direction of the ~~land~~ **professional** surveyor.

37 SECTION 72. IC 25-21.5-9-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A plat showing
 39 streets, lots, blocks, or any subdivision of land in Indiana may not be:

40 (1) approved by a county planning or zoning authority; or

41 (2) accepted for transfer or recording by a county auditor or
 42 recorder;

C
O
P
Y



1 that has not been prepared or certified and sealed by the responsible
2 ~~land~~ **professional** surveyor.

3 SECTION 73. IC 25-21.5-9-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. All maps required to
5 show the underground workings of any mine in Indiana must be
6 prepared, certified, and sealed by a professional engineer or ~~land~~
7 **professional** surveyor.

8 SECTION 74. IC 25-21.5-9-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The practice of ~~land~~
10 surveying does not permit a ~~land~~ **professional** surveyor to design and
11 construct sewage disposal stations, lift stations, or bridges or to prepare
12 engineering plans for the construction of engineering projects other
13 than those prescribed in IC 25-21.5-1-7.

14 SECTION 75. IC 25-21.5-9-5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. The practice of ~~land~~
16 surveying does not prohibit a professional engineer from doing work
17 that does not involve the ~~location, description, establishment, or~~
18 ~~reestablishment of property corners or property lines. activities~~
19 **described in IC 25-21.5-1-7(b)(4) through IC 25-21.5-1-7(b)(8).**

20 SECTION 76. IC 25-21.5-9-6 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A ~~land~~
22 **professional** surveyor:

23 (1) is personally responsible for designing and directing the
24 training, procedures, and daily activities of an employee
25 participating in any part of the ~~land~~ survey; and

26 (2) shall maintain records that are reasonably necessary to
27 establish that the responsibility of the ~~land~~ **professional** surveyor
28 for the employee that is required by this section has been fulfilled.

29 (b) Before a ~~land~~ **professional** surveyor completes, seals, or signs
30 a survey, plan, specification, plat, drawing, or report, all procedures
31 followed and the decisions made by the employee who participated in
32 the survey, plan, specification, plat, drawing, or report must be
33 reviewed and approved by the ~~land~~ **professional** surveyor.

34 SECTION 77. IC 25-21.5-11-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The attorney general,
36 the prosecuting attorney of a county, the board, or a citizen of a county
37 where a person who is not exempted or a ~~registered~~ ~~land~~ **professional**
38 surveyor engages in the practice of ~~land~~ surveying may file an action
39 in the name of the state of Indiana to prohibit the person from engaging
40 in the practice of ~~land~~ surveying until a certificate of registration is
41 secured or renewed under this article.

42 SECTION 78. IC 25-21.5-11-2 IS AMENDED TO READ AS

C
o
p
y



1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who
 2 violates an order **issued** under section 1 of this chapter shall be
 3 punished for contempt of court. An order does not relieve a person **who**
 4 **is** engaged in the practice of ~~land~~ surveying **but** who is not a ~~land~~
 5 **professional** surveyor from the requirement of registering under this
 6 article or exempt the person from criminal prosecution.

7 SECTION 79. IC 25-21.5-11-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. A complaint for a
 9 violation of a provision of this chapter is sufficient if the complaint
 10 alleges that a person on a specific day:

- 11 (1) engaged in the practice of ~~land~~ surveying in Indiana;
 12 (2) did not have a valid certificate of registration; and
 13 (3) was not exempt from registration.

14 SECTION 80. IC 25-21.5-11-4, AS AMENDED BY P.L.177-2006,
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 4. (a) The ~~registered land~~ **professional** surveyor
 17 and ~~registered land surveyor in training~~ **surveyor intern** investigative
 18 fund is established to provide funds for administering and enforcing the
 19 provisions of this article, including investigating and taking
 20 enforcement action against violators of this article. The fund shall be
 21 administered by the attorney general and the licensing agency.

22 (b) The expenses of administering the fund shall be paid from the
 23 money in the fund. The fund consists of money from a fee imposed
 24 upon ~~registered land~~ **professional** surveyors and ~~registered land~~
 25 ~~surveyors in training~~ **surveyor interns** under IC 25-21.5-3-4(b).

26 (c) The treasurer of state shall invest the money in the fund not
 27 currently needed to meet the obligations of the fund in the same
 28 manner as other public money may be invested.

29 (d) Money in the fund at the end of a state fiscal year does not revert
 30 to the state general fund. If the total amount in the fund exceeds five
 31 hundred thousand dollars (\$500,000) at the end of a state fiscal year
 32 after payment of all claims and expenses, the amount that exceeds five
 33 hundred thousand dollars (\$500,000) reverts to the state general fund.

34 (e) Money in the fund is continually appropriated for use by the
 35 attorney general and the licensing agency to administer and enforce the
 36 provisions of this article and to conduct investigations and take
 37 enforcement action against persons violating the provision of this
 38 article.

39 SECTION 81. IC 25-21.5-13-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who:

- 41 (1) engages in, or offers to engage in, the practice of ~~land~~
 42 surveying without being registered or exempted under Indiana

C
o
p
y



- 1 law;
- 2 (2) presents as the person's own the certificate of registration or
- 3 the seal of another;
- 4 (3) gives false or forged evidence of any kind to the board or to a
- 5 board member in obtaining a certificate of registration;
- 6 (4) impersonates any other registrant;
- 7 (5) uses an expired, a suspended, or a revoked certificate of
- 8 registration; or
- 9 (6) otherwise violates this article;
- 10 commits a Class B misdemeanor.

11 SECTION 82. IC 25-21.5-13-3, AS AMENDED BY P.L.194-2005,
 12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 3. (a) The attorney general shall act as the legal
 14 advisor for the board and provide any legal assistance necessary to
 15 carry out this article.

16 (b) The attorney general and the licensing agency may use the
 17 ~~registered land~~ **professional** surveyor and ~~registered land surveyor in~~
 18 ~~training~~ **surveyor intern** investigative fund established by
 19 IC 25-21.5-11-4 to hire investigators and other employees to enforce
 20 the provisions of this article and to investigate and prosecute violations
 21 of this article.

22 SECTION 83. IC 25-30-1-5, AS AMENDED BY P.L.185-2007,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 5. This chapter does not require any of the
 25 following persons to be a licensee:

- 26 (1) A law enforcement officer of the United States, a state, or a
- 27 political subdivision of a state to the extent that the officer or
- 28 employee is engaged in the performance of the officer's or
- 29 employee's official duties.
- 30 (2) Any person to the extent that the person is engaged in the
- 31 business of furnishing and obtaining information concerning the
- 32 financial rating of other persons.
- 33 (3) A collection agency licensed by the secretary of state or its
- 34 employee acting within the scope of the employee's employment,
- 35 to the extent that the person is making an investigation incidental
- 36 to the business of the agency, including an investigation of the
- 37 location of a debtor or a debtor's assets in a property that the client
- 38 has an interest in or a lien upon.
- 39 (4) An attorney or employee of an attorney to the extent that the
- 40 person is engaged in investigative matters incident to the delivery
- 41 of professional services that constitute the practice of law.
- 42 (5) An insurance adjuster to the extent that the adjuster is

C
o
p
y



1 employed in the investigation and settlement of claims made
2 against insurance companies or persons insured by insurance
3 companies if the adjuster is a regular employee of the insurance
4 company and the insurance company is authorized to do business
5 in Indiana and is complying with the laws regulating insurance
6 companies in Indiana.

7 (6) A person primarily engaged in the business of furnishing
8 information for:

9 (A) business decisions and transactions in connection with
10 credit, employment, or marketing; or

11 (B) insurance underwriting purposes;
12 including a consumer reporting agency as defined by the Fair
13 Credit Reporting Act (15 U.S.C. 1681 et seq.).

14 (7) A retail merchant or an employee of the retail merchant to the
15 extent that the person is hiring a private investigator for the
16 purposes of loss prevention investigations for the retail merchant's
17 retail establishment.

18 (8) A professional engineer registered under IC 25-31 or a person
19 acting under a registered professional engineer's supervision, to
20 the extent the professional engineer is engaged in an investigation
21 incident to the practice of engineering.

22 (9) An architect with a certificate of registration under IC 25-4, to
23 the extent the architect is engaged in an investigation incident to
24 the practice of architecture.

25 (10) A ~~land~~ **professional** surveyor with a certificate of
26 registration under IC 25-21.5, to the extent the ~~land~~ **professional**
27 surveyor is engaged in an investigation incident to the practice of
28 ~~land~~ surveying.

29 (11) A certified public accountant with a certificate under
30 IC 25-2.1-3, to the extent that the person is engaged in an
31 investigation incident to the practice of accountancy.

32 (12) An independent consultant employed by the attorney general
33 under IC 32-34-1-48, to the extent that the independent consultant
34 is engaged in providing services for the attorney general.

35 SECTION 84. IC 25-31-1-19 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) A county, city,
37 town, township, school corporation, or other political subdivision of
38 this state may not engage in the construction or maintenance of any
39 public work involving the practice of engineering for which plans,
40 specifications, and estimates have not been prepared, certified, and
41 sealed by, and the construction and maintenance executed under the
42 direct supervision of, a professional engineer. Any contract executed

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

in violation of this section is void.
(b) An official of this state, or of any city, town, county, township, or school corporation, charged with the enforcement of any law, ordinance, or rule relating to the design, construction, or alteration of buildings or structures may not use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of and certified by, a registered professional engineer. This subsection does not apply:

- (1) to plans or specifications prepared by, or under the supervision of and certified by, an architect who is registered under IC 25-4-1;
- (2) to structures and construction listed in IC 22-15-3-3(a); or
- (3) to plans or specifications contained in a registration, license, or permit application, including an application for an initial permit, the renewal of a permit, the modification of a permit, or a variance from a permit submitted to the commissioner of the department of environmental management under IC 13, unless the permit is for the approval of plans or specifications for construction for which a professional engineer's seal is required by operation of either state or federal law, rule, or regulation. This subsection does not require a professional engineer's seal for an application for an air quality construction permit under 326 IAC 2-1-3.

This section shall not be construed as to abridge or otherwise affect the powers of any state board or department to issue rules governing the safety of buildings or structures.

(c) All maps required to show the underground workings of any mine in Indiana must be prepared, certified, and sealed by a professional engineer or ~~land~~ **professional** surveyor.

SECTION 85. IC 25-36.5-1-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.2. (a) This section refers to an adjudicative proceeding against:

- (1) a timber buyer; or
- (2) a person who cuts timber but is not a timber buyer (referred to as a "timber cutter" in this section).

(b) The department may under IC 4-21.5-3-8 commence a proceeding against a timber buyer or a timber cutter if there is reason to believe that:

- (1) the timber buyer or timber cutter has acquired timber from a timber grower under a written contract for the sale of the timber without payment having been made to the timber grower as specified in the contract; or

C
o
p
y



- 1 (2) if:
- 2 (A) there is no written contract for the sale of the timber; or
- 3 (B) there is a written contract for the sale of the timber but the
- 4 contract does not set forth the purchase price for the timber;
- 5 the timber buyer or timber cutter has cut timber or acquired
- 6 timber from the timber grower without payment having been
- 7 made to the timber grower equal to the value of the timber as
- 8 determined under IC 26-1-2.
- 9 (c) A proceeding may be commenced under this section at the
- 10 request of a timber grower.
- 11 (d) The necessary parties to a proceeding initiated under this section
- 12 are:
- 13 (1) the timber grower; and
- 14 (2) the timber buyer or timber cutter.
- 15 (e) After the commencement of a proceeding under this section
- 16 through the service of a complaint under IC 4-21.5-3-8, a party to the
- 17 proceeding may move for the joinder of any of the following persons
- 18 having a relationship to the site or subject of the complaint:
- 19 (1) The surety of the timber buyer.
- 20 (2) A timber buyer.
- 21 (3) A timber cutter.
- 22 (4) A landowner.
- 23 (5) An owner of land adjacent to the land from which the timber
- 24 was cut.
- 25 (6) A consultant receiving a fee for services related to the timber.
- 26 (7) A ~~land~~ **professional** surveyor performing a minimum standard
- 27 detail survey in Indiana under the requirements of the Indiana
- 28 Society of Professional Land Surveyors and Indiana Land
- 29 Association.
- 30 (8) The department of natural resources, if the department has a
- 31 relationship to the site or subject of the complaint as a landowner
- 32 or owner of adjacent land.
- 33 (f) The complaint served under IC 4-21.5-3-8 to commence a
- 34 proceeding under this section may seek the following:
- 35 (1) Damages in compensation for damage actually resulting from
- 36 the wrongful activities of a timber buyer or timber cutter.
- 37 (2) Damages equal to three (3) times the stumpage value of any
- 38 timber that is wrongfully cut or appropriated without payment.
- 39 (g) Notwithstanding subsection (f), the liability on the surety bond
- 40 of a timber cutter is limited to the value of any timber wrongfully cut
- 41 or appropriated.
- 42 (h) A proceeding under this section is governed by IC 4-21.5.

C
o
p
y



1 Before a hearing is convened in the proceeding, a prehearing
 2 conference shall be conducted to provide the parties with an
 3 opportunity for settlement, including an opportunity for mediation.

4 (i) In determining the site for a hearing in a proceeding under this
 5 section, the administrative law judge shall consider the convenience of
 6 the parties.

7 (j) A final agency action in a proceeding under this section must
 8 address all issues of damage and responsibility and, after the
 9 completion of the opportunity for judicial review, may be enforced in
 10 a civil proceeding as a judgment.

11 SECTION 86. IC 32-19-2-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Coordinates
 13 based on the Indiana coordinate system of 1927 or the Indiana
 14 coordinate system of 1983 purporting to define the position of a point
 15 on a land boundary may not be presented to be recorded in any public
 16 land records or deed records unless the recording document also
 17 contains:

18 (1) a description of the nearest first-order or second-order
 19 horizontal geodetic control monument from which the coordinates
 20 being recorded were determined; and

21 (2) the method of survey for the determination.

22 (b) If the position of the described first-order or second-order
 23 geodetic control monument is not published by the National Geodetic
 24 Survey (or its successors), the recording document must contain a
 25 certification signed by a ~~land~~ **professional** surveyor registered under
 26 IC 25-21.5 stating that the subject control monument and its
 27 coordinates were established and determined in conformance with the
 28 specifications given in IC 32-19-1-3.

29 (c) The publishing of the existing control stations or the acceptance
 30 with intent to publish the newly established control stations by the
 31 National Geodetic Survey constitutes evidence of adherence to the
 32 FGCC specifications. Horizontal geodetic control monuments shall be
 33 permanently monumented and control data sheets prepared and filed
 34 so that a densification of the control network is accomplished.

35 (d) The surveying techniques and positioning systems used to
 36 produce first-order or second-order geodetic precision shall be
 37 identified. Annotation must accompany state plane coordinate values
 38 when they are used to less than second-order precision.

39 SECTION 87. IC 35-51-25-1, AS ADDED BY P.L.70-2011,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:
 42 IC 25-2.1-13-3 (Concerning accountants).

C
o
p
y



- 1 IC 25-2.5-3-4 (Concerning acupuncturists).
 2 IC 25-5.1-4-2 (Concerning athletic trainers).
 3 IC 25-5.2-2-12 (Concerning athlete agents).
 4 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
 5 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
 6 IC 25-8-15.4-25 (Concerning beauty culture).
 7 IC 25-10-1-11 (Concerning chiropractors).
 8 IC 25-11-1-12 (Concerning collection agencies).
 9 IC 25-13-1-3 (Concerning dental hygienists).
 10 IC 25-14-1-25 (Concerning dentists).
 11 IC 25-14-4-6 (Concerning dentists).
 12 IC 25-14.5-7-2 (Concerning dietitians).
 13 IC 25-16-1-18 (Concerning employment services).
 14 IC 25-17.3-5-3 (Concerning genetic counselors).
 15 IC 25-17.6-8-2 (Concerning geologists).
 16 IC 25-18-1-19 (Concerning distress sales).
 17 IC 25-20-1-21 (Concerning hearing aid dealers).
 18 IC 25-20.7-5-1 (Concerning interior designers).
 19 IC 25-21.5-5-10 (Concerning ~~land~~ **professional** surveyors).
 20 IC 25-21.5-13-2 (Concerning ~~land~~ **professional** surveyors).
 21 IC 25-21.8-7-1 (Concerning massage therapists).
 22 IC 25-22.5-8-2 (Concerning physicians).
 23 IC 25-22.5-8-3 (Concerning physicians).
 24 IC 25-23-1-27 (Concerning nurses).
 25 IC 25-23.5-3-2 (Concerning occupational therapists).
 26 IC 25-23.6-3-3 (Concerning marriage and family therapists).
 27 IC 25-23.6-4-4 (Concerning marriage and family therapists).
 28 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
 29 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and
 30 family therapists).
 31 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
 32 IC 25-23.6-11-1 (Concerning marriage and family therapists).
 33 IC 25-23.6-11-2 (Concerning marriage and family therapists).
 34 IC 25-23.6-11-3 (Concerning marriage and family therapists).
 35 IC 25-23.7-7-5 (Concerning manufactured home installers).
 36 IC 25-24-1-18 (Concerning optometrists).
 37 IC 25-24-3-17 (Concerning optometrists).
 38 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
 39 stores).
 40 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
 41 stores).
 42 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug

C
O
P
Y

- 1 stores).
 2 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
 3 stores).
 4 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
 5 stores).
 6 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
 7 stores).
 8 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
 9 stores).
 10 IC 25-27-1-12 (Concerning physical therapists).
 11 IC 25-27.5-7-2 (Concerning physician assistants).
 12 IC 25-28.5-1-31 (Concerning plumbers).
 13 IC 25-29-9-1 (Concerning podiatrists).
 14 IC 25-30-1-21 (Concerning private investigator firms, security
 15 guards, and polygraph examiners).
 16 IC 25-30-1.3-23 (Concerning private investigator firms, security
 17 guards, and polygraph examiners).
 18 IC 25-31-1-13 (Concerning engineers).
 19 IC 25-31-1-27 (Concerning engineers).
 20 IC 25-31.5-8-7 (Concerning soil scientists).
 21 IC 25-33-1-15 (Concerning psychologists).
 22 IC 25-34.5-3-2 (Concerning respiratory care specialists).
 23 IC 25-35.6-3-10 (Concerning speech pathologists and
 24 audiologists).
 25 IC 25-36.1-1-2 (Concerning surgical technologists).
 26 IC 25-36.5-1-10 (Concerning timber buyers).
 27 IC 25-36.5-1-15 (Concerning timber buyers).
 28 IC 25-38.1-4-10 (Concerning veterinarians).
 29 IC 25-38.1-4-11 (Concerning veterinarians).
 30 IC 25-39-5-1 (Concerning water well drilling contractors).
 31 IC 25-39-5-7 (Concerning water well drilling contractors).
 32 IC 25-41-1-2 (Concerning behavior analysts).
 33 SECTION 88. IC 36-2-11-19 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) An affidavit
 35 that:
 36 (1) concerns the birth, marriage, death, name, residence, identity,
 37 or relationship of any of the parties named in an instrument
 38 affecting real property;
 39 (2) is made by a ~~land~~ **professional** surveyor registered under
 40 IC 25-21.5 and concerns the existence or location of a monument
 41 or physical boundary;
 42 (3) is made by a ~~land~~ **professional** surveyor registered under

C
 O
 P
 Y



1 IC 25-21.5 and reconciles ambiguous descriptions in conveyances
 2 with descriptions in a regular chain of title;
 3 (4) concerns facts incident to the adverse possession of real
 4 property and the payment of taxes on that property; or
 5 (5) is made by a purchaser of real property sold on foreclosure or
 6 conveyed in lieu of foreclosure of:
 7 (A) a deed of trust securing an issue of bonds or other
 8 evidences of indebtedness;
 9 (B) a mortgage;
 10 (C) a contract for the sale of real property; or
 11 (D) any other security instrument;
 12 held by a fiduciary or other representative, and concerns the
 13 authority of the purchaser to purchase the property and the terms
 14 and conditions on which the property is to be held and disposed
 15 of;

16 may be recorded in the office of the recorder of the county in which the
 17 property is located. If an affidavit is presented to the recorder for record
 18 under this section, the recorder shall record it in the miscellaneous
 19 records in the recorder's office.

20 (b) An affidavit recorded under this section may be received in
 21 evidence in any proceeding affecting the real property and constitutes
 22 prima facie evidence of the facts and circumstances contained in the
 23 affidavit.

24 SECTION 89. IC 36-2-12-2.5, AS ADDED BY P.L.171-2009,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 2.5. (a) This section does not apply to an
 27 individual who is:

- 28 (1) an actively registered ~~land~~ **professional** surveyor;
- 29 (2) a graduate of an accredited ~~land~~ surveying curriculum; or
- 30 (3) a ~~land surveyor in training~~ **surveyor intern** (as defined in
 31 ~~IC 25-21.5-1-5~~). **IC 25-21.5-1-8.7**).

32 (b) An individual elected to the office of county surveyor after June
 33 30, 2009, shall, within two (2) years after beginning the county
 34 surveyor's term, complete at least twenty-four (24) hours of training
 35 courses related to ~~land~~ surveying that are developed by the Association
 36 of Indiana Counties and approved by the state board of accounts.

37 (c) An individual shall fulfill the training requirement established
 38 by subsection (b) for each term the individual serves.

39 SECTION 90. IC 36-2-12-10 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The surveyor
 41 shall maintain a legal survey record book, which must contain a record
 42 of all the legal surveys made in the county showing outline maps of

C
o
p
y



1 each section, grant, tract, subdivision, or group of sections, grants,
 2 tracts, and subdivisions in sufficient detail so that the approximate
 3 location of each legal survey can be shown. Legal surveys shall be
 4 indexed by location.

5 (b) A landowner desiring to establish the location of the line
 6 between the landowner's land and that of an adjoining landowner by
 7 means of a legal survey may do so as follows:

8 (1) The landowner shall procure a ~~land~~ **professional** surveyor
 9 registered under IC 25-21.5 to locate the line in question and shall
 10 compensate ~~that the professional~~ surveyor.

11 (2) The ~~land~~ **professional** surveyor shall notify the owners of
 12 adjoining lands that the ~~land~~ **professional** surveyor is going to
 13 make the survey. The notice must be given by registered or
 14 certified mail at least twenty (20) days before the survey is
 15 started.

16 (3) If all the owners of the adjoining lands consent in writing, the
 17 notice is not necessary.

18 (4) The lines and corners shall be properly marked, monumented
 19 by durable material with letters and figures establishing such lines
 20 and corners, referenced, and tied to corners shown in the corner
 21 record book in the office of the county surveyor or to corners
 22 shown on a plat recorded in the plat books in the office of the
 23 county recorder.

24 (5) The ~~land~~ **professional** surveyor shall present to the county
 25 surveyor for entry in the legal survey record book a plat of the
 26 legal survey and proof of notice to or waiver of notice by the
 27 adjoining landowners. The ~~land~~ **professional** surveyor shall give
 28 notice to adjoining landowners by registered or certified mail
 29 within ten (10) days after filing of the survey.

30 (c) The lines located and established under subsection (b) are
 31 binding on all landowners affected and their heirs and assigns, unless
 32 an appeal is taken under section 14 of this chapter. The right to appeal
 33 commences when the plat of the legal survey is recorded by the county
 34 surveyor in the legal survey record book.

35 SECTION 91. IC 36-2-12-11 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The surveyor
 37 shall administer this section if the surveyor is registered as a ~~land~~
 38 **professional** surveyor under IC 25-21.5. If the surveyor is not
 39 registered, the surveyor shall, with the approval of the county
 40 executive, appoint a person who is registered as a ~~land~~ **professional**
 41 surveyor and is a resident voter of the county to administer this section.
 42 If a resident, ~~registered land~~ **professional** surveyor is not available, a

C
O
P
Y



1 ~~land~~ **professional** surveyor who resides in another county may be
2 employed.

3 (b) The surveyor shall keep and maintain a corner record book, that
4 must contain:

5 (1) a record and an index by location of all the original
6 government survey corners;

7 (2) outline maps of each section, grant, tract, and subdivision or
8 group of sections, grants, tracts, and subdivisions in the county
9 showing the location of each corner on record and stating at the
10 location of each corner on the map where the reference for that
11 corner may be found; and

12 (3) a reference index for each corner.

13 A separate card index system may be used in lieu of the index required
14 by subdivision (3).

15 (c) The record of each corner referenced in the record book must
16 contain:

17 (1) the location of the corner;

18 (2) an accurate description of the monument used to mark the
19 corner such as "stone" or "iron pin";

20 (3) the distance and bearings from the corner to three (3) or more
21 permanent objects or structures;

22 (4) the date the corner was last checked and the condition of the
23 monument and references;

24 (5) the name of the surveyor making the check; and

25 (6) the method of establishing or relocating the corner.

26 (d) The records of the corners shall be established and perpetuated
27 in the following manner:

28 (1) Each year the surveyor shall check and reference at least five
29 percent (5%) of all corners shown in the corner record book.

30 (2) The surveyor may enter in the surveyor's corner record book
31 the findings submitted by a private, ~~land~~ **professional** surveyor
32 who checks and references corners and is registered under
33 IC 25-21.5.

34 (e) Any money in the county surveyor's corner perpetuation fund
35 collected under IC 36-2-7-10 or IC 36-2-19 may be appropriated in the
36 manner provided by law for the purposes of this section.

37 SECTION 92. IC 36-2-12-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. While doing work
39 under section 10 or 11 of this chapter, a ~~land~~ **professional** surveyor
40 registered under IC 25-21.5, an unregistered county surveyor, or the
41 employees of a county surveyor are not considered trespassers and are
42 liable only for the actual damages they cause to property.



C
o
p
y

1 SECTION 93. IC 36-2-19-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this
 3 chapter, "land surveyor" means any of the following:

- 4 (1) A ~~land~~ **professional** surveyor registered under IC 25-21.5.
 5 (2) An employee or subordinate of a ~~land~~ **professional** surveyor
 6 registered under IC 25-21.5.
 7 (3) An individual who is exempt from registration as a ~~land~~
 8 **professional** surveyor under IC 25-21.5-3.

9 SECTION 94. IC 36-2-19-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a land surveyor
 11 has prepared a plat of any original, retracement, or record document
 12 survey (not including Indiana surveyor location reports or other similar
 13 documents normally associated with a mortgage loan) the plat shall be
 14 recorded in the county recorder's office when:

- 15 (1) a new tax parcel is created;
 16 (2) no survey has been previously recorded; or
 17 (3) the monuments, monument references, or the description
 18 varies from the last recorded survey of the parcel.

19 (b) The plat of survey described in subsection (a) must include the
 20 following:

- 21 (1) The name of the owner or title holder according to the current
 22 county tax records at the time of recording (or the actual title
 23 holder if the land surveyor knows the tax records are not
 24 accurate).
 25 (2) The area of each surveyed tract.
 26 (3) A statement indicating the existence or absence of
 27 improvements on each surveyed tract.

28 (c) The county may enact an ordinance requiring that if plats of
 29 survey have been prepared the plats must be filed with the county
 30 surveyor's office. If such an ordinance is adopted and a plat of survey
 31 has been prepared, a notarized record executed by the **professional**
 32 surveyor of the filing (showing the name of the **professional** surveyor,
 33 the date of certification, the name of the owner of the surveyed parcel
 34 as described in subsection (b)(1), and a brief description of the
 35 surveyed parcel) must be recorded in the recorder's office. The
 36 ordinance shall establish a fee schedule for the filing of the plat.

37 SECTION 95. IC 36-5-1-3, AS AMENDED BY P.L.146-2008,
 38 SECTION 707, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2013]: Sec. 3. A petition for incorporation must
 40 be accompanied by the following items to be supplied at the expense
 41 of the petitioners:

- 42 (1) A survey, certified by a **professional** surveyor registered

C
 O
 P
 Y



- 1 under IC 25-21.5, showing the boundaries of and quantity of land
2 contained in the territory sought to be incorporated.
- 3 (2) An enumeration of the territory's residents and landowners and
4 their mailing addresses, completed not more than thirty (30) days
5 before the time of filing of the petition and verified by the persons
6 supplying it.
- 7 (3) A statement of the assessed valuation of all real property
8 within the territory, certified by the township assessor of the
9 township in which the territory is located, or the county assessor
10 if there is no township assessor for the township.
- 11 (4) A statement of the services to be provided to the residents of
12 the proposed town and the approximate times at which they are to
13 be established.
- 14 (5) A statement of the estimated cost of the services to be
15 provided and the proposed tax rate for the town.
- 16 (6) The name to be given to the proposed town.
- 17 SECTION 96. IC 36-7-3-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person who
19 lays out a subdivision of lots or lands outside the corporate boundaries
20 of any municipality shall record a correct plat of the subdivision in the
21 office of the recorder of the county before selling any lots in the
22 subdivision. The plat must show public places, public ways, and the
23 length, width, and size of each lot. Lots shown on the plat must be
24 regularly numbered.
- 25 (b) The certificate of a ~~registered land~~ **professional** surveyor
26 certifying the correctness of the plat must be attached to the plat. This
27 certificate must include a description, by metes and bounds, of the
28 location of the plat.
- 29 (c) Before offering a plat for record under this section, a person
30 must acknowledge it before an officer authorized by law to take and
31 certify acknowledgments of deeds. The officer shall then attach to the
32 plat a certificate of the acknowledgment, which must be recorded with
33 the plat.
- 34 (d) Before offering a plat for recording under this section, a person
35 must file a copy of the plat in the county auditor's office and must
36 submit the plat for the approval of the county executive. The county
37 recorder may record the plat only if a certificate showing the approval
38 of the county executive is attached to it. If the record of a plat is not
39 executed and approved as required by this subsection, it is void.
- 40 (e) Except as provided in subsection (f), the county executive may
41 approve or disapprove a subdivision plat only on the basis of whether
42 the plat complies with the requirements set forth in subsections (a)

C
O
P
Y

1 through (c).

2 (f) The county executive may approve or disapprove a subdivision
3 plat based upon whether the plat complies with standards for
4 development of subdivisions within the county executive's jurisdiction.
5 The standards shall be set by the county executive, shall be reasonable,
6 and may include a minimum lot size. The county executive shall rely
7 only upon the following criteria in establishing the standards for
8 development:

9 (1) The standards must protect and provide for the public health,
10 safety, and welfare of the county.

11 (2) The standards must ensure that public facilities and services
12 are available to support the subdivision.

13 (g) The county executive may not approve or disapprove a
14 subdivision plat based upon the standards for development until the
15 county executive has had at least one (1) public hearing on the issue.
16 The county executive shall publish notice of a hearing in accordance
17 with IC 5-3-1. The notice must set forth the following information:

18 (1) A legal description of the property where the proposed
19 subdivision will be located.

20 (2) The date, time, and location of the hearing.

21 (3) The name of the applicant submitting the plat for the approval
22 of the county executive.

23 (4) A statement that the county executive will consider at the
24 hearing whether to approve the plat based upon whether the plat
25 is in accordance with the county's development standards.

26 (h) If, after a hearing, the county executive disapproves the plat, the
27 county executive shall make written findings that set forth its reasons
28 and a decision denying approval and shall provide the applicant with
29 a copy.

30 SECTION 97. IC 36-7-3-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Before a survey
32 of a municipality is made under this chapter, the municipal legislative
33 body must declare, by resolution, the necessity for making the survey
34 or plat. The resolution must describe and embrace all tracts to be
35 included in the plat, with the description being by streets, alleys,
36 corporate lines, other platted additions' lines, or any boundary line that
37 can be definitely located. Notice of the adoption of the resolution must
38 be given in accordance with IC 5-3-1. The notice must fix a time and
39 a place where the persons owning the tracts may appear before the
40 legislative body and object to any further steps being taken in the
41 proceedings.

42 (b) If, after hearing any objections, the legislative body considers it

C
O
P
Y



1 necessary to proceed with the survey and plat, it shall direct the
 2 municipal civil engineer, if ~~he~~ **the engineer** is a ~~land~~ **professional**
 3 surveyor, or, if ~~he~~ **the engineer** is not, some suitable and competent
 4 ~~land~~ **professional** surveyor, to immediately make the survey and plat
 5 and report them to the legislative body.

6 SECTION 98. IC 36-7-3-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) In making a
 8 survey of a municipality under this chapter, a ~~land~~ **professional**
 9 surveyor shall adhere as nearly as possible to boundary lines between
 10 tracts. If the owners of adjacent tracts do not agree on the location of
 11 the boundary line between them, the ~~land~~ **professional** surveyor shall
 12 give all interested parties ten (10) days' notice that, at a specified time,
 13 ~~he~~ **the professional surveyor** will establish the boundary line. The line
 14 established is the correct boundary line, but an aggrieved party may
 15 appeal from the survey in the same manner as is provided by
 16 IC 36-2-12-14 for an appeal from a survey made by a county surveyor.
 17 However, an appeal does not delay the completion of the survey and
 18 plat.

19 (b) All public ways shall be preserved and properly designated on
 20 the plat.

21 (c) Each specific description shall be platted as one (1) lot and given
 22 a distinct number on the plat, except that where a part of the specific
 23 description is cut off by a street or alley, the tract may be given two (2)
 24 or more distinct numbers, as required by the situation.

25 (d) If any part of the entire tract to be platted is cut up into blocks by
 26 streets or alleys, the tract shall be platted in lots extending from the
 27 street or alley in the front to the alley in the rear.

28 (e) If a lot embraces more than one (1) specific description, the
 29 memoranda attached to the plat must designate how much of the lot
 30 belongs to each of the part owners.

31 (f) A person owning a tract that is within the boundaries of the
 32 territory to be platted and is larger than an ordinary lot may have that
 33 tract subdivided into lots of convenient size in the making of the plat.

34 (g) The ~~land~~ **professional** surveyor shall show on the plat the exact
 35 size and shape, the number, and the name of the owner (as determined
 36 from the records of the county), of each lot platted, and shall attach to
 37 the plat, as a part of it, a brief memorandum of the tract description of
 38 each lot platted.

39 (h) The ~~land~~ **professional** surveyor shall sign the plat and
 40 acknowledge its execution before an officer authorized to take the
 41 acknowledgment of deeds. When the survey and plat are completed,
 42 the ~~land~~ **professional** surveyor shall file them with the municipal clerk.

C
O
P
Y



1 The ~~land~~ **professional** surveyor shall also file with ~~his~~ **the professional**
 2 **surveyor's** report of the survey and plat an itemized statement of all
 3 costs and expenses incident to the proceedings, and an apportionment
 4 of the expenses to the lots platted, as required by section 9 of this
 5 chapter.

6 SECTION 99. IC 36-7-3-8 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) When a plat is
 8 filed under section 7 of this chapter, the municipal clerk shall
 9 immediately give notice, in accordance with IC 5-3-1, that on a
 10 specified day, at an hour and place named in the notice, the municipal
 11 legislative body will meet to consider the ~~land~~ **professional** surveyor's
 12 report and plat, and to hear any objections to the report and plat by
 13 interested parties.

14 (b) If any errors or omissions are discovered, the legislative body
 15 shall require the **professional** surveyor to correct them. When the
 16 legislative body has approved the report of the survey and plat, it shall
 17 give the plat an appropriate name and have it, together with the
 18 resolution of approval, recorded in the proper records in the county
 19 recorder's office. When recorded, the plat has the same legal effect as
 20 if it had been done by the owners of the tracts platted.

21 SECTION 100. IC 36-9-27-30 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. (a) Whenever the
 23 county surveyor is not registered under IC 25-21.5 or IC 25-31 and that
 24 statute prohibits an unregistered person from performing any function
 25 that the county surveyor is directed to do under this chapter, the
 26 surveyor shall employ and fix the compensation of a person who is ~~so~~
 27 ~~registered to work with the~~ **a professional engineer or professional**
 28 surveyor in performing those functions. However, if the county
 29 surveyor does not employ a registered person within one (1) year of the
 30 acceptance of a petition for construction or reconstruction of a drain,
 31 the board may make the appointment of a registered person that this
 32 section requires.

33 (b) The person employed by the **county** surveyor, who shall be
 34 known as a qualified deputy, shall file with the county surveyor the
 35 original of all plans, specifications, and other documents made by the
 36 person in performing the work for which the person was employed.
 37 Those plans, specifications, and other documents become a part of the
 38 permanent file of the **county** surveyor's office, which the surveyor shall
 39 maintain for the use of the board as provided in section 109 of this
 40 chapter.

41 (c) The rate of compensation paid to a qualified deputy shall be
 42 assessed against the drainage project for which the deputy was

C
o
p
y



1 employed.

2 (d) This subsection applies whenever the county surveyor is not
 3 registered under IC 25-21.5 or IC 25-31, and the county surveyor has
 4 not employed a registered person as provided in subsection (a). If the
 5 county has a full-time employee who is registered as a ~~land~~
 6 **professional** surveyor under IC 25-21.5 or as a professional engineer
 7 under IC 25-31, the board may, subject to the approval of the county
 8 executive and the county surveyor, designate that person to perform the
 9 functions of the county surveyor under this chapter that are allowed
 10 under the employee's license as a ~~land~~ **professional** surveyor or
 11 professional engineer. If a designation is made and approved under this
 12 subsection, the county surveyor may not employ a registered person
 13 under subsection (a) to perform that same function.

14 SECTION 101. IC 36-9-27-32 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) Whenever the
 16 board finds that it is necessary to advance the work of construction or
 17 of reconstruction, as determined from the long-range plan established
 18 under section 36 of this chapter, to a degree inconsistent with the work
 19 load of the county surveyor, the board shall publicly declare an
 20 emergency and shall authorize the employment of an engineer, firm of
 21 engineers, or ~~land~~ **professional** surveyor as a contract deputy to
 22 perform the necessary work, including:

23 (1) the preparation of the surveyor's report or specified parts of it;
 24 and

25 (2) the supervision of the construction or reconstruction.

26 (b) A contract deputy shall be employed by contract. Each contract
 27 must be for work on a specific drainage project, and may be on a per
 28 project fee basis or on a per diem basis of compensation.

29 (c) A contract deputy must have the same qualifications as an
 30 engineer or **professional** surveyor employed or appointed by the board
 31 under section 30 or 31 of this chapter.

32 (d) The original of all plans, specifications, and other documents
 33 made by a contract deputy in performing the work for which ~~he~~ **the**
 34 **contract deputy** was employed, or facsimiles of them in reproducible
 35 form, shall be transmitted to the board and shall be permanently
 36 retained by the board or by the surveyor in the manner in which similar
 37 documents prepared by the surveyor or the board are retained.

38 (e) The compensation of a contract deputy shall be assessed against
 39 the drainage project for which the deputy was employed, and may be
 40 paid from the general drain improvement fund before the order for the
 41 construction or reconstruction.

C
O
P
Y

