



February 6, 2013

## SENATE BILL No. 558

DIGEST OF SB 558 (Updated February 4, 2013 1:19 pm - DI 44)

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

**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. Defines "authoritative" when used to describe products, processes, applications, or data resulting from the practice of surveying. Provides that photogrammetrists must be certified by a national scientific organization. Makes conforming changes.

**Effective:** July 1, 2013.

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**Young R Michael**

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January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.  
February 5, 2013, amended, reported favorably — Do Pass.

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SB 558—LS 7136/DI 14+



February 6, 2013

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.

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## 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:

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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

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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.

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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

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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;

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- 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.

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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

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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

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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

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- 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

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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~~

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- 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"

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- 1 means the following:
- 2 (1) In the case of an accounting professional, the Indiana state
- 3 board of public accountancy.
- 4 (2) In the case of an architectural professional, the board of
- 5 registration for architects and landscape architects.
- 6 (3) In the case of an engineering professional, the state board of
- 7 registration for professional engineers.
- 8 (4) In the case of an attorney, the Indiana supreme court.
- 9 (5) In the case of a health care professional, the board (as defined
- 10 in IC 25-1-9-1) that issues the individual's license, certification,
- 11 or registration.
- 12 (6) In the case of a veterinarian, the Indiana board of veterinary
- 13 medical examiners.
- 14 (7) In the case of a ~~land~~ **professional** surveyor, the state board of
- 15 registration for ~~land~~ **professional** surveyors.
- 16 (8) In the case of a real estate professional, the Indiana real estate
- 17 commission.
- 18 SECTION 24. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010,
- 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2013]: Sec. 2.1. Rather than being issued annually, the
- 21 following permits, licenses, certificates of registration, or evidences of
- 22 authority granted by a state agency must be issued for a period of two
- 23 (2) years or for the period specified in the article under which the
- 24 permit, license, certificate of registration, or evidence of authority is
- 25 issued if the period specified in the article is longer than two (2) years:
- 26 (1) Certified public accountants, public accountants, and
- 27 accounting practitioners.
- 28 (2) Architects and landscape architects.
- 29 (3) Dry cleaners.
- 30 (4) Professional engineers.
- 31 (5) ~~Land~~ **Professional** surveyors.
- 32 (6) Real estate brokers.
- 33 (7) Real estate agents.
- 34 (8) Security dealers' licenses issued by the securities
- 35 commissioner.
- 36 (9) Dental hygienists.
- 37 (10) Dentists.
- 38 (11) Veterinarians.
- 39 (12) Physicians.
- 40 (13) Chiropractors.
- 41 (14) Physical therapists.
- 42 (15) Optometrists.



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- 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.

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- 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:

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- 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).

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- 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

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- 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).

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- 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).

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- 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

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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);



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- 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 25-21.5-1-2.5 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2013]: **Sec. 2.5. "Authoritative" means being**  
 42 **presented as trustworthy and competent when used to describe**

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1 products, processes, applications, or data resulting from the  
 2 practice of surveying. For purposes of this article, GIS or  
 3 electronic map data are not considered as authoritative survey  
 4 products except when prepared by or under the supervision of a  
 5 professional surveyor.

6 SECTION 33. IC 25-21.5-1-3 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. "Board" refers to the  
 8 state board of registration for ~~land~~ **professional** surveyors.

9 SECTION 34. IC 25-21.5-1-3.5 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2013]: Sec. 3.5. **"GIS" means geographic**  
 12 **information system.**

13 SECTION 35. IC 25-21.5-1-3.7 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2013]: Sec. 3.7. **"GNSS" means global**  
 16 **navigation satellite system.**

17 SECTION 36. IC 25-21.5-1-4 IS REPEALED [EFFECTIVE JULY  
 18 1, 2013]. Sec. 4. ~~"Land surveyor"~~ means a person who:

- 19 (1) has special knowledge of mathematics and surveying  
 20 principles and methods that are acquired by education and  
 21 practical experience; and  
 22 (2) is a registered land surveyor.

23 SECTION 37. IC 25-21.5-1-5 IS REPEALED [EFFECTIVE JULY  
 24 1, 2013]. Sec. 5. ~~"Land-surveyor-in-training"~~ means a person who has:

- 25 (1) graduated from an approved surveying curriculum of at least  
 26 four (4) years or who has acquired, through surveying education  
 27 and experience in surveying work, knowledge and skill  
 28 approximating that obtained by graduation in an approved  
 29 surveying curriculum of at least four (4) years;  
 30 (2) successfully passed an examination as prescribed in  
 31 ~~IC 25-21.5-6~~; and  
 32 (3) an appropriate certificate of enrollment as a  
 33 land-surveyor-in-training.

34 SECTION 38. IC 25-21.5-1-7 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) ~~"Practice of land~~  
 36 ~~surveying"~~ means any of the following:

- 37 (1) The measurement of directions and distances needed to  
 38 establish or reestablish the corners and boundaries required to  
 39 locate lots, parcels, tracts, or divisions of land.  
 40 (2) The determination of elevations and preparation of  
 41 topographic drawings for tracts of land.  
 42 (3) The preparation of subdivision plats.



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- 1 (4) The preparation of legal descriptions of tracts of land to be
- 2 used in the preparation of deeds of conveyance or other
- 3 instruments; except when prepared by an attorney who is licensed
- 4 to practice law in Indiana.
- 5 (5) The determination of the amount of acreage contained in a
- 6 tract of land; except when determined by an attorney who is
- 7 licensed to practice law in Indiana.
- 8 (b) The term includes the following:
- 9 (1) For and within subdivisions being laid out or having been laid
- 10 out by the land surveyor; the preparation and furnishing of plats;
- 11 plans; and profiles for roads; storm drainage; sanitary sewer
- 12 extensions; and the location of residences or dwellings where the
- 13 work involves the use and application of standards prescribed by
- 14 local, state, or federal authorities.
- 15 (2) The necessary staking and layout work to construct roads;
- 16 storm drainage; sanitary sewer extensions or location of
- 17 residences or dwellings; if the plans and profiles were prepared by
- 18 or under the direction of a land surveyor.
- 19 (3) Preliminary surveys for preparation of plans for engineering
- 20 and building construction projects and the staking out of the
- 21 projects from plans prepared by a registered professional engineer
- 22 or by a registered architect.
- 23 (4) All work incidental to cleaning out, reconstruction, or
- 24 maintaining existing open and tile drains.
- 25 **"Practice of surveying" means providing, or offering to provide,**
- 26 **professional services involving:**
- 27 (1) the making of geometric measurements of, and gathering
- 28 related information pertaining to, the physical or legal
- 29 features of the earth, improvements on the earth, the space
- 30 above the earth, or any part of the earth; and
- 31 (2) the use and development of the measurements and
- 32 information gathered under subdivision (1) into survey
- 33 products, including graphics, digital data, maps, plats, plans,
- 34 reports, and descriptions and projects.
- 35 (b) Professional services provided under the practice of
- 36 surveying include consultation, investigation, testimony evaluation,
- 37 expert technical testimony, planning, mapping, assembling, and
- 38 interpreting gathered measurements and information related to
- 39 any of the following:
- 40 (1) Determining the configuration or contour of the earth's
- 41 surface or the position of fixed objects thereon by measuring
- 42 lines and angles and applying the principles of mathematics

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- 1 or photogrammetry.
- 2 (2) Determining the size and shape of the earth, or any point
- 3 on the earth, by performing geodetic surveys using angular
- 4 and linear measurements through spatially oriented spherical
- 5 geometry.
- 6 (3) Determining, by the use of principles of surveying, the
- 7 position for any nonboundary related survey control
- 8 monument or reference point, or setting, resetting, or
- 9 replacing any nonboundary related monument or reference
- 10 point.
- 11 (4) Locating, relocating, establishing, reestablishing, laying
- 12 out, retracing, or marking any property or boundary line or
- 13 corner of any tract of land or of any right-of-way or
- 14 easement.
- 15 (5) Making any survey or preparing any plat for the
- 16 subdivision of any tract of land.
- 17 (6) Determining, by the use of principles of surveying, the
- 18 position for any boundary related survey monument or
- 19 reference point, or setting, resetting, or replacing any
- 20 monument or reference point.
- 21 (7) Preparing a description for any parcel or boundary of
- 22 land, or for any right-of-way or easement, except when
- 23 prepared by an attorney who is licensed to practice law in
- 24 Indiana.
- 25 (8) Determining the amount of acreage contained in any
- 26 parcel of land, except when determined by an attorney who is
- 27 licensed to practice law in Indiana.
- 28 (9) Performing construction staking or layout of the control
- 29 for any elements of an engineering, building, or construction
- 30 project, if the position of an element is:
- 31 (A) dependent on;
- 32 (B) in specific relation to; or
- 33 (C) in close proximity to a boundary or property line or
- 34 corner, including easements and rights-of-way.
- 35 (10) For and within subdivisions being designed by a
- 36 professional surveyor, the preparation and furnishing of plats,
- 37 plans, and profiles for roads, storm drainage, sanitary sewer
- 38 extensions, and the location of residences or dwellings where
- 39 the work involves the use and application of standards
- 40 prescribed by local, state, or federal authorities.
- 41 (11) All work incidental to cleaning out, reconstructing, or
- 42 maintaining existing open and tile drains.

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**(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 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**

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1 electronic systems, between making or documenting original  
2 measurements in the creation of survey products and the copying,  
3 interpretation, or representation of those measurements in  
4 systems. Further, a distinction is made according to the intent, use,  
5 or purpose of measurement products in electronic systems,  
6 between the determination of authoritative locations and the use of  
7 those products as a locational reference for planning,  
8 infrastructure management, and general information. The  
9 following items are not included as activities within the definition  
10 of the practice of surveying:

11 (1) The creation of general maps:

12 (A) prepared by private firms or government agencies for  
13 use as guides to motorists, boaters, aviators, or  
14 pedestrians;

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

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

19 (D) produced by any electronic or print media firm as an  
20 illustrative guide to the geographic location of any event;  
21 or

22 (E) prepared by lay persons for conversational or  
23 illustrative purposes, including advertising material and  
24 users' guides.

25 (2) The transcription of previously geo-referenced data into  
26 a geographic information system by manual or electronic  
27 means, and the maintenance thereof, if the data are clearly  
28 not intended to indicate the authoritative location of property  
29 boundaries, the precise definition of the shape or contour of  
30 the earth, and the precise location of fixed works of humans.

31 (3) The transcription of public record data, without  
32 modification except for graphical purposes, into geographic  
33 information systems-based cadastres, including tax maps,  
34 zoning maps, and associated records by manual or electronic  
35 means, and the maintenance of that cadastre, if the data are  
36 clearly not intended to authoritatively represent property  
37 boundaries.

38 (4) The preparation of any document by any agency of the  
39 federal government that does not define real property  
40 boundaries, including civilian and military versions of  
41 quadrangle topographic maps, military maps, satellite  
42 imagery, and other similar documents.

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1 (5) The incorporation or use of documents or data bases  
2 prepared by any federal agency into a geographic information  
3 system, including federal census and demographic data,  
4 quadrangle topographic maps, and military maps.

5 (6) Inventory maps and data bases created by any  
6 organization, in either hard copy or electronic form, of  
7 physical features, facilities, or infrastructure that are wholly  
8 contained within properties to which the organization has  
9 rights or for which the organization has management  
10 responsibility. The distribution of these maps and data bases  
11 outside the organization must contain appropriate metadata  
12 describing, at a minimum, the accuracy, method of  
13 compilation, data source or sources, and date or dates, and  
14 disclaimers of use clearly indicating that the data are not  
15 intended to be used as a survey product.

16 (7) Maps, cross-sections, graphics, and data bases depicting  
17 the distribution of natural resources or phenomena prepared  
18 by foresters, geologists, soil scientists, geophysicists, biologists,  
19 archeologists, historians, or other persons qualified to  
20 document and interpret the data in the context of their  
21 respective practices.

22 (8) Maps and geo-referenced data bases depicting physical  
23 features and events prepared by any government agency if the  
24 access to that data is restricted by statute, including  
25 geo-referenced data generated by law enforcement agencies  
26 involving crime statistics and criminal activities.

27 (e) The use of photogrammetric methods or similar remote  
28 sensing technology to perform any part of the practice of surveying  
29 as defined in this section may be performed only under the direct  
30 control and supervision of a professional surveyor or a professional  
31 photogrammetrists who maintain a current title of "Certified  
32 Photogrammetrist" from a national scientific organization having  
33 a process for certifying photogrammetrists.

34 (f) The practice of surveying encompasses a number of  
35 disciplines, including geodetic surveying, hydrographic surveying,  
36 cadastral surveying, construction staking, route surveying,  
37 photogrammetric surveying, and topographic surveying. A  
38 professional surveyor may practice only within the surveyor's area  
39 of expertise.

40 SECTION 39. IC 25-21.5-1-8 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. "Practice or offer to  
42 practice ~~land~~ surveying" means the act of a person who does any of the

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- 1 following:
- 2 (1) By verbal claim, sign, advertisement, letterhead, card,
- 3 telephone listing, or in any other way represents the person as a
- 4 ~~land~~ **professional** surveyor.
- 5 (2) Performs or offers to perform any acts or work involving the
- 6 practice of ~~land~~ **professional** surveying.
- 7 SECTION 40. IC 25-21.5-1-8.5 IS ADDED TO THE INDIANA
- 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. "Professional surveyor"**
- 10 **means a person who:**
- 11 (1) **has special knowledge of mathematics and surveying**
- 12 **principles and methods that are acquired by education and**
- 13 **practical experience; and**
- 14 (2) **is a registered professional surveyor.**
- 15 SECTION 41. IC 25-21.5-1-8.7 IS ADDED TO THE INDIANA
- 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2013]: **Sec. 8.7. "Surveyor intern" means a**
- 18 **person who:**
- 19 (1) **has:**
- 20 (A) **graduated from an approved surveying curriculum of**
- 21 **at least four (4) years; or**
- 22 (B) **acquired, through surveying education and experience**
- 23 **in surveying work, knowledge and skill approximating that**
- 24 **obtained by graduation from an approved surveying**
- 25 **curriculum of at least four (4) years;**
- 26 (2) **has successfully passed an examination as prescribed**
- 27 **under IC 25-21.5-6; and**
- 28 (3) **has been issued an appropriate certificate of enrollment as**
- 29 **a surveyor intern under IC 25-21.5-7-2.**
- 30 SECTION 42. IC 25-21.5-2-1 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.** The state board of
- 32 registration for ~~land~~ **professional** surveyors is established.
- 33 SECTION 43. IC 25-21.5-2-2 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.** (a) The board
- 35 consists of seven (7) members appointed by the governor.
- 36 (b) One (1) member must be appointed to represent the general
- 37 public who is:
- 38 (1) a resident of Indiana; and
- 39 (2) not associated with ~~land~~ surveying other than as a consumer.
- 40 (c) Six (6) members must be registered ~~land~~ **professional** surveyors
- 41 who engage in the practice of ~~land~~ surveying and who each meet the
- 42 following conditions:

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- 1 (1) Is a citizen of the United States.
- 2 (2) Has been a resident of Indiana for at least five (5) years
- 3 immediately before the member's appointment.
- 4 (3) Is registered in Indiana as a ~~land~~ **professional** surveyor.
- 5 (4) Has been engaged in the lawful practice of ~~land~~ surveying for
- 6 at least eight (8) years.
- 7 (5) Has been in charge of ~~land~~ surveying work or ~~land~~ surveying
- 8 teaching for at least five (5) years.

9 (d) Of the registered ~~land~~ **professional** surveyors appointed under  
 10 subsection (c), three (3) must be engaged in the practice of ~~land~~  
 11 surveying on a full-time basis, and at least two (2) must be engaged in  
 12 the practice of ~~land~~ surveying on a part-time basis.

13 SECTION 44. IC 25-21.5-2-9 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. The board may  
 15 authorize a member of the board or the secretary to attend a ~~land~~  
 16 surveying conference or meeting that is primarily concerned with the  
 17 registration of ~~land~~ **professional** surveyors.

18 SECTION 45. IC 25-21.5-2-14, AS AMENDED BY P.L.194-2005,  
 19 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2013]: Sec. 14. (a) The board shall enforce and administer this  
 21 article.

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

28 SECTION 46. IC 25-21.5-3-4, AS AMENDED BY P.L.177-2006,  
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2013]: Sec. 4. (a) Except as provided in IC 25-21.5-11-4 and  
 31 subsection (b), the secretary shall receive and account for all money  
 32 collected under this article and deposit the money in the state general  
 33 fund with the treasurer of state. All expenses incurred in the  
 34 administration of this article shall be paid from the state general fund.

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

- 40 (1) issuance of a certificate of registration **or certificate of**
- 41 **enrollment;** and
- 42 (2) renewal of a certificate of registration **or certificate of**

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**enrollment;**

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

SECTION 47. IC 25-21.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. For the purpose of safeguarding life, health, and property, a person must be registered or exempted as a ~~land~~ **professional** surveyor to do the following:

- (1) Practice or offer to practice ~~land~~ surveying in Indiana.
- (2) Advertise or use a title or description tending to convey the impression that the person is a ~~land~~ **professional** surveyor.

SECTION 48. IC 25-21.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The following persons are exempt from this article:

- (1) An employee or a subordinate of a person who holds a certificate of registration under this article if the practice of the employee or subordinate does not include responsible charge of design or supervision.
- (2) An officer or employee of the United States government while engaged in Indiana in the practice of ~~land~~ surveying for the United States government.

SECTION 49. IC 25-21.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. This article does not require registration for the purpose of practicing ~~land~~ surveying by a person, firm, or corporation on property owned or leased by the person, firm, or corporation unless the practice involves the following:

- (1) Public health or safety.
- (2) The health or safety of the employees of the person, firm, or corporation.
- (3) ~~The performance of land surveying that relates solely to the design or fabrication of manufactured products.~~
- (3) Activities excluded from the definition of the practice of surveying under IC 25-21.5-1-7(b)(4) through IC 25-21.5-1-7(b)(8).**

SECTION 50. IC 25-21.5-4-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. (a) If an individual is licensed as a land surveyor on June 30, 2013, under this article:**

- (1) the individual is considered to be licensed as a professional**



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- 1           **surveyor on July 1, 2013; and**
- 2           **(2) the state board of registration for professional surveyors**
- 3           **shall issue a license to the individual under this article.**
- 4           **(b) Notwithstanding subsection (a), the state board of**
- 5           **registration for professional surveyors and the Indiana**
- 6           **professional licensing agency are not required to issue:**
- 7           **(1) a new wall license to an individual described in subsection**
- 8           **(a); or**
- 9           **(2) a new pocket license to an individual described in**
- 10           **subsection (a);**
- 11           **until the license renewal period beginning December 1, 2013.**
- 12           **(c) This section expires January 1, 2014.**

13           SECTION 51. IC 25-21.5-5-2 IS AMENDED TO READ AS  
 14           FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. To qualify for  
 15           registration as a ~~land~~ **professional** surveyor, an applicant must meet the  
 16           following conditions under either subdivision (1) or (2):

- 17           (1) All of the following:
  - 18               (A) Graduation in an approved ~~land~~ surveying curriculum.
  - 19               (B) A specific record of at least four (4) years of experience in
  - 20               ~~land~~ surveying work that is acquired subsequent to graduation
  - 21               and that indicates that the applicant is qualified to be placed in
  - 22               responsible charge of ~~land~~ surveying work requiring the
  - 23               exercise of judgment in the application of surveying sciences
  - 24               to the sound solution of ~~land~~ surveying problems.
  - 25               (C) The successful passing of an examination under
  - 26               IC 25-21.5-6.
- 27           (2) All of the following:
  - 28               (A) A specific record of at least eight (8) years of ~~land~~
  - 29               surveying education and experience in ~~land~~ surveying work
  - 30               that indicates that the applicant has acquired knowledge and
  - 31               skill and practical experience in ~~land~~ surveying work
  - 32               approximating that required for registration as a professional
  - 33               ~~land~~ surveyor under subdivision (1).
  - 34               (B) The successful passing of an examination under
  - 35               IC 25-21.5-6.

36           SECTION 52. IC 25-21.5-5-3 IS AMENDED TO READ AS  
 37           FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant for  
 38           certification as a ~~land-surveyor-in-training~~ **surveyor intern** must meet  
 39           the following conditions under either subdivision (1) or (2):

- 40           (1) All of the following:
  - 41               (A) Graduation in an approved ~~land~~ surveying curriculum of
  - 42               at least four (4) years.

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1 (B) The successful passing of a ~~land-surveyor-in-training~~  
 2 **surveyor intern** examination under IC 25-21.5-6.  
 3 (2) All of the following:  
 4 (A) A specific record of at least four (4) years of surveying  
 5 education and experience in surveying work indicating that the  
 6 applicant has acquired knowledge and skill approximating that  
 7 acquired through graduation in an approved surveying  
 8 curriculum of at least four (4) years.  
 9 (B) The successful passing of a ~~land-surveyor-in-training~~  
 10 **surveyor intern** examination under IC 25-21.5-6.  
 11 (b) The board may waive the examination in granting a certificate  
 12 of registration as a ~~land~~ **professional** surveyor to an applicant who has  
 13 held an identical certificate of registration under Indiana law.  
 14 SECTION 53. IC 25-21.5-5-4 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A person is not  
 16 eligible for registration as a ~~land~~ **professional** surveyor or certification  
 17 as a ~~land-surveyor-in-training~~ **surveyor intern** ~~who~~ **if the person** has  
 18 been convicted of any of the following:  
 19 (1) An act that would constitute grounds for disciplinary sanction  
 20 under IC 25-1-11.  
 21 (2) A felony that has a direct bearing on the person's ability to  
 22 practice competently.  
 23 SECTION 54. IC 25-21.5-5-6 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. A person ~~having~~  
 25 **who has** the necessary qualifications prescribed in this chapter **and**  
 26 who is entitled to registration is eligible for registration although the  
 27 person may not be engaged in ~~land~~ surveying work at the time of  
 28 application.  
 29 SECTION 55. IC 25-21.5-5-7 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Each person  
 31 applying for registration as a ~~land~~ **professional** surveyor or for  
 32 certification as a ~~land-surveyor-in-training~~ **surveyor intern** must apply  
 33 on a form prescribed and provided by the board.  
 34 SECTION 56. IC 25-21.5-5-8 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. Each application for  
 36 registration as a ~~land~~ **professional** surveyor must contain the following:  
 37 (1) Statements showing either the registration number issued by  
 38 another state or the education and qualifications of the applicant.  
 39 (2) A detailed summary of the technical work performed by the  
 40 applicant, including a confirmation by the ~~registered land~~  
 41 **professional** surveyor who supervised the work. If the summary  
 42 of the technical work cannot be confirmed because of conditions

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1 beyond the control of the applicant, including death,  
2 incompetence, or nonregistration by the supervising ~~land~~  
3 **professional** surveyor, the board may allow the confirmation  
4 requirement to be fulfilled through other evidence.

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

9 SECTION 57. IC 25-21.5-5-9 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. Each application for  
11 certification as a ~~land-surveyor-in-training~~ **surveyor intern** must  
12 contain the following:

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

21 (3) An applicant who has not graduated from an approved ~~land~~  
22 surveying curriculum must submit a detailed summary of the  
23 technical work performed by the applicant, including a  
24 confirmation by the ~~registered land~~ **professional** surveyor who  
25 supervised the work. If the technical work summary cannot be  
26 confirmed because of conditions beyond the control of the  
27 applicant, including death, incompetence, or nonregistration by  
28 the supervising ~~land~~ **professional** surveyor, the board may allow  
29 the confirmation requirement to be fulfilled through other  
30 evidence.

31 SECTION 58. IC 25-21.5-5-9.5 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9.5. A reference for a  
33 ~~land~~ **professional** surveyor applicant or a ~~land-surveyor-in-training~~  
34 **surveyor intern** applicant must:

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

37 SECTION 59. IC 25-21.5-6-1, AS AMENDED BY P.L.9-2012,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2013]: Sec. 1. The examination required of all applicants for  
40 registration as a professional ~~land~~ surveyor must be a written or  
41 computer based examination divided into the following two (2) parts:

- 42 (1) The basic disciplines part of the examination, **which** must be

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1 designed to test the applicant's knowledge of the basic disciplines  
 2 of ~~land~~ surveying. The standard of proficiency required must  
 3 approximate that attained by graduation in an approved four (4)  
 4 year ~~land~~ surveying curriculum.

5 (2) The principles and practice part of the examination, **which**  
 6 must be designed primarily to test the principles and practice of  
 7 ~~land~~ surveying. The principles and practice part of the  
 8 examination must be divided into two (2) sections:

9 (A) The first section must test the applicant's understanding,  
 10 judgment, and ability to correctly apply the following:

11 (i) Federal laws and regulations.

12 (ii) Practices pertaining to the establishment, description,  
 13 and reestablishment of land boundaries.

14 (iii) The platting of subdivisions.

15 (iv) The ethical, economic, and legal principles relating to  
 16 the practice of ~~land~~ surveying.

17 (v) The principles of mathematics relating to the practice of  
 18 ~~land~~ surveying.

19 (B) The second section must test the applicant's understanding,  
 20 judgment, and ability to correctly apply the following:

21 (i) ~~Items under~~ **What is set forth in** subdivision (2)(A)(i)  
 22 through (2)(A)(v).

23 (ii) Indiana laws and rules.

24 (iii) Work that the ~~land~~ **professional** surveyor is permitted  
 25 to perform under this article.

26 (iv) The ability to write and interpret legal descriptions and  
 27 solve narrative problems regarding the analysis and  
 28 execution of ~~land~~ surveys and ~~land~~ survey problems.

29 SECTION 60. IC 25-21.5-6-2 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. An applicant for  
 31 registration as a ~~land~~ **professional** surveyor who holds a  
 32 ~~land-surveyor-in-training~~ **surveyor intern** certificate that was issued  
 33 in Indiana or in any other state or territory of the United States having  
 34 equivalent standards may be exempted from the basic disciplines part  
 35 of the examination **described in section 1(1) of this chapter.**

36 SECTION 61. IC 25-21.5-6-3, AS AMENDED BY P.L.9-2012,  
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2013]: Sec. 3. The examination for certification as a  
 39 ~~land-surveyor-in-training~~ **surveyor intern** must be a written or  
 40 computer based examination. The examination must be identical in  
 41 subject matter to, but may be more comprehensive than, the first part  
 42 of the examination for registration as a professional ~~land~~ surveyor

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1 **described in section 1(1) of this chapter.**

2 SECTION 62. IC 25-21.5-6-4 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Examinations must  
4 be held at least two (2) times each year at times, places, and under  
5 conditions determined by the board. Examinations for certification as  
6 a ~~land-surveyor-in-training~~ **surveyor intern** may be held separately  
7 from the examinations for registration as a ~~land~~ **professional** surveyor.

8 SECTION 63. IC 25-21.5-6-5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. An applicant for  
10 registration as a ~~land~~ **professional** surveyor who is presently registered  
11 in another state or territory may be assigned a written examination if  
12 the board considers the written examination necessary to meet the  
13 requirements of this chapter.

14 SECTION 64. IC 25-21.5-7-1 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The board shall  
16 issue a certificate of registration, upon the payment of the fee  
17 prescribed in this chapter, to an applicant who, in the opinion of the  
18 board, has satisfactorily met all requirements of this article.

19 (b) A certificate of registration for ~~land~~ **professional** surveying  
20 must:

- 21 (1) authorize the practice of ~~land~~ surveying;  
22 (2) show the full name of the ~~land~~ **professional** surveyor;  
23 (3) bear a serial number and date; and  
24 (4) be signed by each member and by the secretary under seal of  
25 the board.

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

30 SECTION 65. IC 25-21.5-7-2 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The board shall  
32 issue a certificate of enrollment as a ~~land-surveyor-in-training~~  
33 **surveyor intern** upon the payment of the certificate fee prescribed in  
34 this chapter to any applicant who, in the opinion of the board, has  
35 satisfactorily met all of the requirements of this article.

36 (b) A certificate of enrollment as a ~~land-surveyor-in-training~~  
37 **surveyor intern** must state that the applicant has successfully passed  
38 the examination in fundamental surveying subjects required by the  
39 board and has been enrolled as a ~~land-surveyor-in-training~~ **surveyor**  
40 **intern**. A certificate of enrollment must:

- 41 (1) show the full name of the ~~land-surveyor-in-training~~ **surveyor**  
42 **intern**;



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- 1 (2) bear a serial number and date; and  
 2 (3) be signed by the chairman and the secretary, under the seal of  
 3 the board.

4 (c) The issuance of a certificate by the board is evidence that the  
 5 person named on the certificate is entitled to all the rights and  
 6 privileges of a ~~land surveyor in training~~ **surveyor intern** until the  
 7 certificate expires or is revoked.

8 SECTION 66. IC 25-21.5-7-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. A registration  
 10 certificate for a ~~land~~ **professional** surveyor may be issued only to a  
 11 natural person. A partnership, firm, or corporation doing business in  
 12 Indiana may not be engaged in the practice of ~~land~~ surveying unless the  
 13 practice is carried on under the responsible direction and supervision  
 14 of a ~~registered land~~ **professional** surveyor who is a full-time employee  
 15 and a principal of the firm or partnership or an officer of the  
 16 corporation. The name of the registrant must appear when the firm  
 17 name is used in the professional practice of the firm, partnership, or  
 18 corporation. Any ~~land~~ surveys, plans, sheets of designs, specifications,  
 19 or other documents requiring certification that are prepared by the  
 20 personnel of any partnership, firm, or corporation must carry the  
 21 signature and seal of the ~~registered land~~ **professional** surveyor who  
 22 was responsible for and in charge of the ~~land~~ surveying work.

23 SECTION 67. IC 25-21.5-7-4 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The board may issue  
 25 a certificate of registration as a ~~land~~ **professional** surveyor to any  
 26 person who meets the following conditions:

- 27 (1) Properly applies for a certificate of registration.  
 28 (2) Pays the required fee.  
 29 (3) Holds a valid certificate of registration as a ~~land~~ **professional**  
 30 surveyor issued by the proper authority of any state of the United  
 31 States if the requirements for registration of ~~land~~ **professional**  
 32 surveyors under which the certificate of registration was issued do  
 33 not conflict with the provisions of this chapter and were of a  
 34 standard not lower than that specified in the applicable  
 35 registration statute in effect in Indiana at the time the certificate  
 36 was issued.

37 SECTION 68. IC 25-21.5-7-5, AS AMENDED BY P.L.194-2005,  
 38 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2013]: Sec. 5. The board shall determine the amount of  
 40 registration fees for a ~~land~~ **professional** surveyor and certification fees  
 41 for a ~~land surveyor in training~~ **surveyor intern**.

42 SECTION 69. IC 25-21.5-7-6 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. If the board refuses  
 2 to issue a certificate of registration to a person who has made a proper  
 3 application for registration as a ~~land~~ **professional** surveyor, the initial  
 4 fee prescribed by the board and deposited with the board by the  
 5 applicant shall be retained by the board as an application fee.

6 SECTION 70. IC 25-21.5-7-7 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. If the board refuses  
 8 to issue a certificate to a person who has made proper application for  
 9 certification as a ~~land-surveyor-in-training~~, **surveyor intern**, the fee  
 10 prescribed by the board and deposited by the applicant with the board  
 11 shall be retained as an application fee.

12 SECTION 71. IC 25-21.5-8-7, AS AMENDED BY P.L.197-2007,  
 13 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2013]: Sec. 7. (a) The board may adopt rules requiring a ~~land~~  
 15 **professional** surveyor to obtain continuing education for renewal of a  
 16 certificate under this chapter.

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

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

22 (1) Allow private organizations to implement the continuing  
 23 education requirement.

24 (2) Establish an inactive certificate of registration. If the board  
 25 adopts rules establishing an inactive certificate, the board must  
 26 adopt rules that:

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

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

31 (C) establish requirements for reactivation of an inactive  
 32 certificate; and

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

36 SECTION 72. IC 25-21.5-9-1 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The granting of  
 38 registration extends to the ~~land~~ **professional** surveyor the authority to  
 39 use a seal of a design authorized by the rules of the board. The act of  
 40 affixing the seal attests to the ~~land~~ **professional** surveyor's acceptance  
 41 of full professional responsibility for the sealed documents. A person  
 42 may not stamp or seal a document with a seal while the certificate of

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1 the named ~~land~~ **professional** surveyor is expired or revoked.

2 (b) Collection of field data, note reduction, computation, office  
3 analysis, and preparation of certificates and reports for a ~~land~~ survey,  
4 plan, specification, plat, drawing, or report sealed by a ~~land~~  
5 **professional** surveyor must be performed by a ~~land~~ **professional**  
6 surveyor or an employee acting under the personal supervision and  
7 direction of the ~~land~~ **professional** surveyor.

8 SECTION 73. IC 25-21.5-9-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A plat showing  
10 streets, lots, blocks, or any subdivision of land in Indiana may not be:

- 11 (1) approved by a county planning or zoning authority; or  
12 (2) accepted for transfer or recording by a county auditor or  
13 recorder;

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

16 SECTION 74. IC 25-21.5-9-3 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. All maps required to  
18 show the underground workings of any mine in Indiana must be  
19 prepared, certified, and sealed by a professional engineer or ~~land~~  
20 **professional** surveyor.

21 SECTION 75. IC 25-21.5-9-4 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The practice of ~~land~~  
23 surveying does not permit a ~~land~~ **professional** surveyor to design and  
24 construct sewage disposal stations, lift stations, or bridges or to prepare  
25 engineering plans for the construction of engineering projects other  
26 than those prescribed in IC 25-21.5-1-7.

27 SECTION 76. IC 25-21.5-9-5 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. The practice of ~~land~~  
29 surveying does not prohibit a professional engineer from doing work  
30 that does not involve the ~~location, description, establishment, or~~  
31 ~~reestablishment of property corners or property lines. activities~~  
32 **described in IC 25-21.5-1-7(b)(4) through IC 25-21.5-1-7(b)(8).**

33 SECTION 77. IC 25-21.5-9-6 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A ~~land~~  
35 **professional** surveyor:

- 36 (1) is personally responsible for designing and directing the  
37 training, procedures, and daily activities of an employee  
38 participating in any part of the ~~land~~ survey; and  
39 (2) shall maintain records that are reasonably necessary to  
40 establish that the responsibility of the ~~land~~ **professional** surveyor  
41 for the employee that is required by this section has been fulfilled.

42 (b) Before a ~~land~~ **professional** surveyor completes, seals, or signs

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1 a survey, plan, specification, plat, drawing, or report, all procedures  
 2 followed and the decisions made by the employee who participated in  
 3 the survey, plan, specification, plat, drawing, or report must be  
 4 reviewed and approved by the ~~land~~ **professional** surveyor.

5 SECTION 78. IC 25-21.5-11-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The attorney general,  
 7 the prosecuting attorney of a county, the board, or a citizen of a county  
 8 where a person who is not exempted or a **registered land professional**  
 9 surveyor engages in the practice of ~~land~~ surveying may file an action  
 10 in the name of the state of Indiana to prohibit the person from engaging  
 11 in the practice of ~~land~~ surveying until a certificate of registration is  
 12 secured or renewed under this article.

13 SECTION 79. IC 25-21.5-11-2 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who  
 15 violates an order **issued** under section 1 of this chapter shall be  
 16 punished for contempt of court. An order does not relieve a person **who**  
 17 **is** engaged in the practice of ~~land~~ surveying **but** who is not a ~~land~~  
 18 **professional** surveyor from the requirement of registering under this  
 19 article or exempt the person from criminal prosecution.

20 SECTION 80. IC 25-21.5-11-3 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. A complaint for a  
 22 violation of a provision of this chapter is sufficient if the complaint  
 23 alleges that a person on a specific day:

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

27 SECTION 81. IC 25-21.5-11-4, AS AMENDED BY P.L.177-2006,  
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2013]: Sec. 4. (a) The ~~registered land professional~~ surveyor  
 30 and ~~registered land surveyor in training~~ **surveyor intern** investigative  
 31 fund is established to provide funds for administering and enforcing the  
 32 provisions of this article, including investigating and taking  
 33 enforcement action against violators of this article. The fund shall be  
 34 administered by the attorney general and the licensing agency.

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

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

42 (d) Money in the fund at the end of a state fiscal year does not revert

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1 to the state general fund. If the total amount in the fund exceeds five  
2 hundred thousand dollars (\$500,000) at the end of a state fiscal year  
3 after payment of all claims and expenses, the amount that exceeds five  
4 hundred thousand dollars (\$500,000) reverts to the state general fund.

5 (e) Money in the fund is continually appropriated for use by the  
6 attorney general and the licensing agency to administer and enforce the  
7 provisions of this article and to conduct investigations and take  
8 enforcement action against persons violating the provision of this  
9 article.

10 SECTION 82. IC 25-21.5-13-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who:

- 12 (1) engages in, or offers to engage in, the practice of ~~land~~  
13 surveying without being registered or exempted under Indiana  
14 law;
- 15 (2) presents as the person's own the certificate of registration or  
16 the seal of another;
- 17 (3) gives false or forged evidence of any kind to the board or to a  
18 board member in obtaining a certificate of registration;
- 19 (4) impersonates any other registrant;
- 20 (5) uses an expired, a suspended, or a revoked certificate of  
21 registration; or
- 22 (6) otherwise violates this article;

23 commits a Class B misdemeanor.

24 SECTION 83. IC 25-21.5-13-3, AS AMENDED BY P.L.194-2005,  
25 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2013]: Sec. 3. (a) The attorney general shall act as the legal  
27 advisor for the board and provide any legal assistance necessary to  
28 carry out this article.

29 (b) The attorney general and the licensing agency may use the  
30 ~~registered land professional~~ **registered land surveyor in**  
31 **training surveyor intern** investigative fund established by  
32 IC 25-21.5-11-4 to hire investigators and other employees to enforce  
33 the provisions of this article and to investigate and prosecute violations  
34 of this article.

35 SECTION 84. IC 25-30-1-5, AS AMENDED BY P.L.185-2007,  
36 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2013]: Sec. 5. This chapter does not require any of the  
38 following persons to be a licensee:

- 39 (1) A law enforcement officer of the United States, a state, or a  
40 political subdivision of a state to the extent that the officer or  
41 employee is engaged in the performance of the officer's or  
42 employee's official duties.

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- 1 (2) Any person to the extent that the person is engaged in the
- 2 business of furnishing and obtaining information concerning the
- 3 financial rating of other persons.
- 4 (3) A collection agency licensed by the secretary of state or its
- 5 employee acting within the scope of the employee's employment,
- 6 to the extent that the person is making an investigation incidental
- 7 to the business of the agency, including an investigation of the
- 8 location of a debtor or a debtor's assets in a property that the client
- 9 has an interest in or a lien upon.
- 10 (4) An attorney or employee of an attorney to the extent that the
- 11 person is engaged in investigative matters incident to the delivery
- 12 of professional services that constitute the practice of law.
- 13 (5) An insurance adjuster to the extent that the adjuster is
- 14 employed in the investigation and settlement of claims made
- 15 against insurance companies or persons insured by insurance
- 16 companies if the adjuster is a regular employee of the insurance
- 17 company and the insurance company is authorized to do business
- 18 in Indiana and is complying with the laws regulating insurance
- 19 companies in Indiana.
- 20 (6) A person primarily engaged in the business of furnishing
- 21 information for:
- 22 (A) business decisions and transactions in connection with
- 23 credit, employment, or marketing; or
- 24 (B) insurance underwriting purposes;
- 25 including a consumer reporting agency as defined by the Fair
- 26 Credit Reporting Act (15 U.S.C. 1681 et seq.).
- 27 (7) A retail merchant or an employee of the retail merchant to the
- 28 extent that the person is hiring a private investigator for the
- 29 purposes of loss prevention investigations for the retail merchant's
- 30 retail establishment.
- 31 (8) A professional engineer registered under IC 25-31 or a person
- 32 acting under a registered professional engineer's supervision, to
- 33 the extent the professional engineer is engaged in an investigation
- 34 incident to the practice of engineering.
- 35 (9) An architect with a certificate of registration under IC 25-4, to
- 36 the extent the architect is engaged in an investigation incident to
- 37 the practice of architecture.
- 38 (10) A ~~land~~ **professional** surveyor with a certificate of
- 39 registration under IC 25-21.5, to the extent the ~~land~~ **professional**
- 40 surveyor is engaged in an investigation incident to the practice of
- 41 ~~land~~ surveying.
- 42 (11) A certified public accountant with a certificate under

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1 IC 25-2.1-3, to the extent that the person is engaged in an  
 2 investigation incident to the practice of accountancy.  
 3 (12) An independent consultant employed by the attorney general  
 4 under IC 32-34-1-48, to the extent that the independent consultant  
 5 is engaged in providing services for the attorney general.  
 6 SECTION 85. IC 25-31-1-19 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) A county, city,  
 8 town, township, school corporation, or other political subdivision of  
 9 this state may not engage in the construction or maintenance of any  
 10 public work involving the practice of engineering for which plans,  
 11 specifications, and estimates have not been prepared, certified, and  
 12 sealed by, and the construction and maintenance executed under the  
 13 direct supervision of, a professional engineer. Any contract executed  
 14 in violation of this section is void.  
 15 (b) An official of this state, or of any city, town, county, township,  
 16 or school corporation, charged with the enforcement of any law,  
 17 ordinance, or rule relating to the design, construction, or alteration of  
 18 buildings or structures may not use or accept or approve any plans or  
 19 specifications that have not been prepared by, or under the supervision  
 20 of and certified by, a registered professional engineer. This subsection  
 21 does not apply:  
 22 (1) to plans or specifications prepared by, or under the  
 23 supervision of and certified by, an architect who is registered  
 24 under IC 25-4-1;  
 25 (2) to structures and construction listed in IC 22-15-3-3(a); or  
 26 (3) to plans or specifications contained in a registration, license,  
 27 or permit application, including an application for an initial  
 28 permit, the renewal of a permit, the modification of a permit, or  
 29 a variance from a permit submitted to the commissioner of the  
 30 department of environmental management under IC 13, unless the  
 31 permit is for the approval of plans or specifications for  
 32 construction for which a professional engineer's seal is required  
 33 by operation of either state or federal law, rule, or regulation. This  
 34 subsection does not require a professional engineer's seal for an  
 35 application for an air quality construction permit under 326  
 36 IAC 2-1-3.  
 37 This section shall not be construed as to abridge or otherwise affect the  
 38 powers of any state board or department to issue rules governing the  
 39 safety of buildings or structures.  
 40 (c) All maps required to show the underground workings of any  
 41 mine in Indiana must be prepared, certified, and sealed by a  
 42 professional engineer or ~~land~~ **professional** surveyor.

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1 SECTION 86. IC 25-36.5-1-3.2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.2. (a) This section  
 3 refers to an adjudicative proceeding against:

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

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

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

14 (2) if:

- 15 (A) there is no written contract for the sale of the timber; or  
 16 (B) there is a written contract for the sale of the timber but the  
 17 contract does not set forth the purchase price for the timber;  
 18 the timber buyer or timber cutter has cut timber or acquired  
 19 timber from the timber grower without payment having been  
 20 made to the timber grower equal to the value of the timber as  
 21 determined under IC 26-1-2.

22 (c) A proceeding may be commenced under this section at the  
 23 request of a timber grower.

24 (d) The necessary parties to a proceeding initiated under this section  
 25 are:

- 26 (1) the timber grower; and  
 27 (2) the timber buyer or timber cutter.

28 (e) After the commencement of a proceeding under this section  
 29 through the service of a complaint under IC 4-21.5-3-8, a party to the  
 30 proceeding may move for the joinder of any of the following persons  
 31 having a relationship to the site or subject of the complaint:

- 32 (1) The surety of the timber buyer.  
 33 (2) A timber buyer.  
 34 (3) A timber cutter.  
 35 (4) A landowner.  
 36 (5) An owner of land adjacent to the land from which the timber  
 37 was cut.  
 38 (6) A consultant receiving a fee for services related to the timber.  
 39 (7) A ~~land professional~~ surveyor performing a ~~minimum standard~~  
 40 ~~detail survey in Indiana under the requirements of the Indiana~~  
 41 ~~Society of Professional Land Surveyors and Indiana Land~~  
 42 ~~Association: an American Land Title Association and~~

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**American Congress on Surveying and Mapping (ALTA/ACSM) land title survey.**

(8) The department of natural resources, if the department has a relationship to the site or subject of the complaint as a landowner or owner of adjacent land.

(f) The complaint served under IC 4-21.5-3-8 to commence a proceeding under this section may seek the following:

- (1) Damages in compensation for damage actually resulting from the wrongful activities of a timber buyer or timber cutter.
- (2) Damages equal to three (3) times the stumpage value of any timber that is wrongfully cut or appropriated without payment.

(g) Notwithstanding subsection (f), the liability on the surety bond of a timber cutter is limited to the value of any timber wrongfully cut or appropriated.

(h) A proceeding under this section is governed by IC 4-21.5. Before a hearing is convened in the proceeding, a prehearing conference shall be conducted to provide the parties with an opportunity for settlement, including an opportunity for mediation.

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

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

SECTION 87. IC 32-19-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Coordinates based on the Indiana coordinate system of 1927 or the Indiana coordinate system of 1983 purporting to define the position of a point on a land boundary may not be presented to be recorded in any public land records or deed records unless the recording document also contains:

- (1) a description of the nearest first-order or second-order horizontal geodetic control monument from which the coordinates being recorded were determined; and
- (2) the method of survey for the determination.

(b) If the position of the described first-order or second-order geodetic control monument is not published by the National Geodetic Survey (or its successors), the recording document must contain a certification signed by a **land professional** surveyor registered under IC 25-21.5 stating that the subject control monument and its coordinates were established and determined in conformance with the

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1 specifications given in IC 32-19-1-3.

2 (c) The publishing of the existing control stations or the acceptance  
3 with intent to publish the newly established control stations by the  
4 National Geodetic Survey constitutes evidence of adherence to the  
5 FGCC specifications. Horizontal geodetic control monuments shall be  
6 permanently monumented and control data sheets prepared and filed  
7 so that a densification of the control network is accomplished.

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

12 SECTION 88. IC 35-51-25-1, AS ADDED BY P.L.70-2011,  
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:

- 15 IC 25-2.1-13-3 (Concerning accountants).  
16 IC 25-2.5-3-4 (Concerning acupuncturists).  
17 IC 25-5.1-4-2 (Concerning athletic trainers).  
18 IC 25-5.2-2-12 (Concerning athlete agents).  
19 IC 25-6.1-7-1 (Concerning auctioneers and auctions).  
20 IC 25-6.1-7-2 (Concerning auctioneers and auctions).  
21 IC 25-8-15.4-25 (Concerning beauty culture).  
22 IC 25-10-1-11 (Concerning chiropractors).  
23 IC 25-11-1-12 (Concerning collection agencies).  
24 IC 25-13-1-3 (Concerning dental hygienists).  
25 IC 25-14-1-25 (Concerning dentists).  
26 IC 25-14-4-6 (Concerning dentists).  
27 IC 25-14.5-7-2 (Concerning dietitians).  
28 IC 25-16-1-18 (Concerning employment services).  
29 IC 25-17.3-5-3 (Concerning genetic counselors).  
30 IC 25-17.6-8-2 (Concerning geologists).  
31 IC 25-18-1-19 (Concerning distress sales).  
32 IC 25-20-1-21 (Concerning hearing aid dealers).  
33 IC 25-20.7-5-1 (Concerning interior designers).  
34 IC 25-21.5-5-10 (Concerning ~~land~~ **professional** surveyors).  
35 IC 25-21.5-13-2 (Concerning ~~land~~ **professional** surveyors).  
36 IC 25-21.8-7-1 (Concerning massage therapists).  
37 IC 25-22.5-8-2 (Concerning physicians).  
38 IC 25-22.5-8-3 (Concerning physicians).  
39 IC 25-23-1-27 (Concerning nurses).  
40 IC 25-23.5-3-2 (Concerning occupational therapists).  
41 IC 25-23.6-3-3 (Concerning marriage and family therapists).  
42 IC 25-23.6-4-4 (Concerning marriage and family therapists).

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- 1 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).  
 2 ~~IC 25-23.6-4.7-7~~ IC 25-23.6-7-7 (Concerning marriage and  
 3 family therapists).  
 4 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).  
 5 IC 25-23.6-11-1 (Concerning marriage and family therapists).  
 6 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
 7 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
 8 IC 25-23.7-7-5 (Concerning manufactured home installers).  
 9 IC 25-24-1-18 (Concerning optometrists).  
 10 IC 25-24-3-17 (Concerning optometrists).  
 11 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug  
 12 stores).  
 13 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug  
 14 stores).  
 15 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug  
 16 stores).  
 17 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug  
 18 stores).  
 19 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug  
 20 stores).  
 21 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug  
 22 stores).  
 23 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug  
 24 stores).  
 25 IC 25-27-1-12 (Concerning physical therapists).  
 26 IC 25-27.5-7-2 (Concerning physician assistants).  
 27 IC 25-28.5-1-31 (Concerning plumbers).  
 28 IC 25-29-9-1 (Concerning podiatrists).  
 29 IC 25-30-1-21 (Concerning private investigator firms, security  
 30 guards, and polygraph examiners).  
 31 IC 25-30-1.3-23 (Concerning private investigator firms, security  
 32 guards, and polygraph examiners).  
 33 IC 25-31-1-13 (Concerning engineers).  
 34 IC 25-31-1-27 (Concerning engineers).  
 35 IC 25-31.5-8-7 (Concerning soil scientists).  
 36 IC 25-33-1-15 (Concerning psychologists).  
 37 IC 25-34.5-3-2 (Concerning respiratory care specialists).  
 38 IC 25-35.6-3-10 (Concerning speech pathologists and  
 39 audiologists).  
 40 IC 25-36.1-1-2 (Concerning surgical technologists).  
 41 IC 25-36.5-1-10 (Concerning timber buyers).  
 42 IC 25-36.5-1-15 (Concerning timber buyers).

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1 IC 25-38.1-4-10 (Concerning veterinarians).  
 2 IC 25-38.1-4-11 (Concerning veterinarians).  
 3 IC 25-39-5-1 (Concerning water well drilling contractors).  
 4 IC 25-39-5-7 (Concerning water well drilling contractors).  
 5 IC 25-41-1-2 (Concerning behavior analysts).  
 6 SECTION 89. IC 36-2-11-19 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) An affidavit  
 8 that:  
 9 (1) concerns the birth, marriage, death, name, residence, identity,  
 10 or relationship of any of the parties named in an instrument  
 11 affecting real property;  
 12 (2) is made by a ~~land~~ **professional** surveyor registered under  
 13 IC 25-21.5 and concerns the existence or location of a monument  
 14 or physical boundary;  
 15 (3) is made by a ~~land~~ **professional** surveyor registered under  
 16 IC 25-21.5 and reconciles ambiguous descriptions in conveyances  
 17 with descriptions in a regular chain of title;  
 18 (4) concerns facts incident to the adverse possession of real  
 19 property and the payment of taxes on that property; or  
 20 (5) is made by a purchaser of real property sold on foreclosure or  
 21 conveyed in lieu of foreclosure of:  
 22 (A) a deed of trust securing an issue of bonds or other  
 23 evidences of indebtedness;  
 24 (B) a mortgage;  
 25 (C) a contract for the sale of real property; or  
 26 (D) any other security instrument;  
 27 held by a fiduciary or other representative, and concerns the  
 28 authority of the purchaser to purchase the property and the terms  
 29 and conditions on which the property is to be held and disposed  
 30 of;  
 31 may be recorded in the office of the recorder of the county in which the  
 32 property is located. If an affidavit is presented to the recorder for record  
 33 under this section, the recorder shall record it in the miscellaneous  
 34 records in the recorder's office.  
 35 (b) An affidavit recorded under this section may be received in  
 36 evidence in any proceeding affecting the real property and constitutes  
 37 prima facie evidence of the facts and circumstances contained in the  
 38 affidavit.  
 39 SECTION 90. IC 36-2-12-2.5, AS ADDED BY P.L.171-2009,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2013]: Sec. 2.5. (a) This section does not apply to an  
 42 individual who is:

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

5 (b) An individual elected to the office of county surveyor after June  
 6 30, 2009, shall, within two (2) years after beginning the county  
 7 surveyor's term, complete at least twenty-four (24) hours of training  
 8 courses related to ~~land~~ surveying that are developed by the Association  
 9 of Indiana Counties and approved by the state board of accounts.

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

12 SECTION 91. IC 36-2-12-10 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The surveyor  
 14 shall maintain a legal survey record book, which must contain a record  
 15 of all the legal surveys made in the county showing outline maps of  
 16 each section, grant, tract, subdivision, or group of sections, grants,  
 17 tracts, and subdivisions in sufficient detail so that the approximate  
 18 location of each legal survey can be shown. Legal surveys shall be  
 19 indexed by location.

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

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

26 (2) The ~~land~~ **professional** surveyor shall notify the owners of  
 27 adjoining lands that the ~~land~~ **professional** surveyor is going to  
 28 make the survey. The notice must be given by registered or  
 29 certified mail at least twenty (20) days before the survey is  
 30 started.

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

33 (4) The lines and corners shall be properly marked, monumented  
 34 by durable material with letters and figures establishing such lines  
 35 and corners, referenced, and tied to corners shown in the corner  
 36 record book in the office of the county surveyor or to corners  
 37 shown on a plat recorded in the plat books in the office of the  
 38 county recorder.

39 (5) The ~~land~~ **professional** surveyor shall present to the county  
 40 surveyor for entry in the legal survey record book a plat of the  
 41 legal survey and proof of notice to or waiver of notice by the  
 42 adjoining landowners. The ~~land~~ **professional** surveyor shall give

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- 1 notice to adjoining landowners by registered or certified mail  
 2 within ten (10) days after filing of the survey.
- 3 (c) The lines located and established under subsection (b) are  
 4 binding on all landowners affected and their heirs and assigns, unless  
 5 an appeal is taken under section 14 of this chapter. The right to appeal  
 6 commences when the plat of the legal survey is recorded by the county  
 7 surveyor in the legal survey record book.
- 8 SECTION 92. IC 36-2-12-11 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The surveyor  
 10 shall administer this section if the surveyor is registered as a ~~land~~  
 11 **professional** surveyor under IC 25-21.5. If the surveyor is not  
 12 registered, the surveyor shall, with the approval of the county  
 13 executive, appoint a person who is registered as a ~~land~~ **professional**  
 14 surveyor and is a resident voter of the county to administer this section.  
 15 If a resident, ~~registered land~~ **professional** surveyor is not available, a  
 16 ~~land~~ **professional** surveyor who resides in another county may be  
 17 employed.
- 18 (b) The surveyor shall keep and maintain a corner record book, that  
 19 must contain:
- 20 (1) a record and an index by location of all the original  
 21 government survey corners;  
 22 (2) outline maps of each section, grant, tract, and subdivision or  
 23 group of sections, grants, tracts, and subdivisions in the county  
 24 showing the location of each corner on record and stating at the  
 25 location of each corner on the map where the reference for that  
 26 corner may be found; and  
 27 (3) a reference index for each corner.
- 28 A separate card index system may be used in lieu of the index required  
 29 by subdivision (3).
- 30 (c) The record of each corner referenced in the record book must  
 31 contain:
- 32 (1) the location of the corner;  
 33 (2) an accurate description of the monument used to mark the  
 34 corner such as "stone" or "iron pin";  
 35 (3) the distance and bearings from the corner to three (3) or more  
 36 permanent objects or structures;  
 37 (4) the date the corner was last checked and the condition of the  
 38 monument and references;  
 39 (5) the name of the surveyor making the check; and  
 40 (6) the method of establishing or relocating the corner.
- 41 (d) The records of the corners shall be established and perpetuated  
 42 in the following manner:

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- 1 (1) Each year the surveyor shall check and reference at least five  
 2 percent (5%) of all corners shown in the corner record book.  
 3 (2) The surveyor may enter in the surveyor's corner record book  
 4 the findings submitted by a private, ~~land~~ **professional** surveyor  
 5 who checks and references corners and is registered under  
 6 IC 25-21.5.
- 7 (e) Any money in the county surveyor's corner perpetuation fund  
 8 collected under IC 36-2-7-10 or IC 36-2-19 may be appropriated in the  
 9 manner provided by law for the purposes of this section.
- 10 SECTION 93. IC 36-2-12-12 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. While doing work  
 12 under section 10 or 11 of this chapter, a ~~land~~ **professional** surveyor  
 13 registered under IC 25-21.5, an unregistered county surveyor, or the  
 14 employees of a county surveyor are not considered trespassers and are  
 15 liable only for the actual damages they cause to property.
- 16 SECTION 94. IC 36-2-19-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this  
 18 chapter, "land surveyor" means any of the following:
- 19 (1) A ~~land~~ **professional** surveyor registered under IC 25-21.5.  
 20 (2) An employee or subordinate of a ~~land~~ **professional** surveyor  
 21 registered under IC 25-21.5.  
 22 (3) An individual who is exempt from registration as a ~~land~~  
 23 **professional** surveyor under IC 25-21.5-3.
- 24 SECTION 95. IC 36-2-19-4 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a land surveyor  
 26 has prepared a plat of any original, retracement, or record document  
 27 survey (not including Indiana surveyor location reports or other similar  
 28 documents normally associated with a mortgage loan) the plat shall be  
 29 recorded in the county recorder's office when:
- 30 (1) a new tax parcel is created;  
 31 (2) no survey has been previously recorded; or  
 32 (3) the monuments, monument references, or the description  
 33 varies from the last recorded survey of the parcel.
- 34 (b) The plat of survey described in subsection (a) must include the  
 35 following:
- 36 (1) The name of the owner or title holder according to the current  
 37 county tax records at the time of recording (or the actual title  
 38 holder if the land surveyor knows the tax records are not  
 39 accurate).  
 40 (2) The area of each surveyed tract.  
 41 (3) A statement indicating the existence or absence of  
 42 improvements on each surveyed tract.

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1 (c) The county may enact an ordinance requiring that if plats of  
 2 survey have been prepared the plats must be filed with the county  
 3 surveyor's office. If such an ordinance is adopted and a plat of survey  
 4 has been prepared, a notarized record executed by the **professional**  
 5 surveyor of the filing (showing the name of the **professional** surveyor,  
 6 the date of certification, the name of the owner of the surveyed parcel  
 7 as described in subsection (b)(1), and a brief description of the  
 8 surveyed parcel) must be recorded in the recorder's office. The  
 9 ordinance shall establish a fee schedule for the filing of the plat.

10 SECTION 96. IC 36-5-1-3, AS AMENDED BY P.L.146-2008,  
 11 SECTION 707, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2013]: Sec. 3. A petition for incorporation must  
 13 be accompanied by the following items to be supplied at the expense  
 14 of the petitioners:

15 (1) A survey, certified by a **professional** surveyor registered  
 16 under IC 25-21.5, showing the boundaries of and quantity of land  
 17 contained in the territory sought to be incorporated.

18 (2) An enumeration of the territory's residents and landowners and  
 19 their mailing addresses, completed not more than thirty (30) days  
 20 before the time of filing of the petition and verified by the persons  
 21 supplying it.

22 (3) A statement of the assessed valuation of all real property  
 23 within the territory, certified by the township assessor of the  
 24 township in which the territory is located, or the county assessor  
 25 if there is no township assessor for the township.

26 (4) A statement of the services to be provided to the residents of  
 27 the proposed town and the approximate times at which they are to  
 28 be established.

29 (5) A statement of the estimated cost of the services to be  
 30 provided and the proposed tax rate for the town.

31 (6) The name to be given to the proposed town.

32 SECTION 97. IC 36-7-3-2 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person who  
 34 lays out a subdivision of lots or lands outside the corporate boundaries  
 35 of any municipality shall record a correct plat of the subdivision in the  
 36 office of the recorder of the county before selling any lots in the  
 37 subdivision. The plat must show public places, public ways, and the  
 38 length, width, and size of each lot. Lots shown on the plat must be  
 39 regularly numbered.

40 (b) The certificate of a ~~registered land~~ **professional** surveyor  
 41 certifying the correctness of the plat must be attached to the plat. This  
 42 certificate must include a description, by metes and bounds, of the

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1 location of the plat.

2 (c) Before offering a plat for record under this section, a person  
3 must acknowledge it before an officer authorized by law to take and  
4 certify acknowledgments of deeds. The officer shall then attach to the  
5 plat a certificate of the acknowledgment, which must be recorded with  
6 the plat.

7 (d) Before offering a plat for recording under this section, a person  
8 must file a copy of the plat in the county auditor's office and must  
9 submit the plat for the approval of the county executive. The county  
10 recorder may record the plat only if a certificate showing the approval  
11 of the county executive is attached to it. If the record of a plat is not  
12 executed and approved as required by this subsection, it is void.

13 (e) Except as provided in subsection (f), the county executive may  
14 approve or disapprove a subdivision plat only on the basis of whether  
15 the plat complies with the requirements set forth in subsections (a)  
16 through (c).

17 (f) The county executive may approve or disapprove a subdivision  
18 plat based upon whether the plat complies with standards for  
19 development of subdivisions within the county executive's jurisdiction.  
20 The standards shall be set by the county executive, shall be reasonable,  
21 and may include a minimum lot size. The county executive shall rely  
22 only upon the following criteria in establishing the standards for  
23 development:

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

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

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

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

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

36 (3) The name of the applicant submitting the plat for the approval  
37 of the county executive.

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

41 (h) If, after a hearing, the county executive disapproves the plat, the  
42 county executive shall make written findings that set forth its reasons

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1 and a decision denying approval and shall provide the applicant with  
2 a copy.

3 SECTION 98. IC 36-7-3-6 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) Before a survey  
5 of a municipality is made under this chapter, the municipal legislative  
6 body must declare, by resolution, the necessity for making the survey  
7 or plat. The resolution must describe and embrace all tracts to be  
8 included in the plat, with the description being by streets, alleys,  
9 corporate lines, other platted additions' lines, or any boundary line that  
10 can be definitely located. Notice of the adoption of the resolution must  
11 be given in accordance with IC 5-3-1. The notice must fix a time and  
12 a place where the persons owning the tracts may appear before the  
13 legislative body and object to any further steps being taken in the  
14 proceedings.

15 (b) If, after hearing any objections, the legislative body considers it  
16 necessary to proceed with the survey and plat, it shall direct the  
17 municipal civil engineer, if ~~he~~ **the engineer** is a ~~land~~ **professional**  
18 surveyor, or, if ~~he~~ **the engineer** is not, some suitable and competent  
19 ~~land~~ **professional** surveyor, to immediately make the survey and plat  
20 and report them to the legislative body.

21 SECTION 99. IC 36-7-3-7 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) In making a  
23 survey of a municipality under this chapter, a ~~land~~ **professional**  
24 surveyor shall adhere as nearly as possible to boundary lines between  
25 tracts. If the owners of adjacent tracts do not agree on the location of  
26 the boundary line between them, the ~~land~~ **professional** surveyor shall  
27 give all interested parties ten (10) days' notice that, at a specified time,  
28 ~~he~~ **the professional surveyor** will establish the boundary line. The line  
29 established is the correct boundary line, but an aggrieved party may  
30 appeal from the survey in the same manner as is provided by  
31 IC 36-2-12-14 for an appeal from a survey made by a county surveyor.  
32 However, an appeal does not delay the completion of the survey and  
33 plat.

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

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

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



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

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

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

12 (h) The ~~land~~ **professional** surveyor shall sign the plat and  
 13 acknowledge its execution before an officer authorized to take the  
 14 acknowledgment of deeds. When the survey and plat are completed,  
 15 the ~~land~~ **professional** surveyor shall file them with the municipal clerk.  
 16 The ~~land~~ **professional** surveyor shall also file with ~~his~~ **the professional**  
 17 **surveyor's** report of the survey and plat an itemized statement of all  
 18 costs and expenses incident to the proceedings, and an apportionment  
 19 of the expenses to the lots platted, as required by section 9 of this  
 20 chapter.

21 SECTION 100. IC 36-7-3-8 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) When a plat is  
 23 filed under section 7 of this chapter, the municipal clerk shall  
 24 immediately give notice, in accordance with IC 5-3-1, that on a  
 25 specified day, at an hour and place named in the notice, the municipal  
 26 legislative body will meet to consider the ~~land~~ **professional** surveyor's  
 27 report and plat, and to hear any objections to the report and plat by  
 28 interested parties.

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

36 SECTION 101. IC 36-9-27-30 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. (a) Whenever the  
 38 county surveyor is not registered under IC 25-21.5 or IC 25-31 and that  
 39 statute prohibits an unregistered person from performing any function  
 40 that the county surveyor is directed to do under this chapter, the  
 41 surveyor shall employ and fix the compensation of a person who is ~~so~~  
 42 **registered to work with the a professional engineer or professional**

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1 surveyor in performing those functions. However, if the county  
 2 surveyor does not employ a registered person within one (1) year of the  
 3 acceptance of a petition for construction or reconstruction of a drain,  
 4 the board may make the appointment of a registered person that this  
 5 section requires.

6 (b) The person employed by the **county** surveyor, who shall be  
 7 known as a qualified deputy, shall file with the county surveyor the  
 8 original of all plans, specifications, and other documents made by the  
 9 person in performing the work for which the person was employed.  
 10 Those plans, specifications, and other documents become a part of the  
 11 permanent file of the **county** surveyor's office, which the surveyor shall  
 12 maintain for the use of the board as provided in section 109 of this  
 13 chapter.

14 (c) The rate of compensation paid to a qualified deputy shall be  
 15 assessed against the drainage project for which the deputy was  
 16 employed.

17 (d) This subsection applies whenever the county surveyor is not  
 18 registered under IC 25-21.5 or IC 25-31, and the county surveyor has  
 19 not employed a registered person as provided in subsection (a). If the  
 20 county has a full-time employee who is registered as a ~~land~~  
 21 **professional** surveyor under IC 25-21.5 or as a professional engineer  
 22 under IC 25-31, the board may, subject to the approval of the county  
 23 executive and the county surveyor, designate that person to perform the  
 24 functions of the county surveyor under this chapter that are allowed  
 25 under the employee's license as a ~~land~~ **professional** surveyor or  
 26 professional engineer. If a designation is made and approved under this  
 27 subsection, the county surveyor may not employ a registered person  
 28 under subsection (a) to perform that same function.

29 SECTION 102. IC 36-9-27-32 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) Whenever the  
 31 board finds that it is necessary to advance the work of construction or  
 32 of reconstruction, as determined from the long-range plan established  
 33 under section 36 of this chapter, to a degree inconsistent with the work  
 34 load of the county surveyor, the board shall publicly declare an  
 35 emergency and shall authorize the employment of an engineer, firm of  
 36 engineers, or ~~land~~ **professional** surveyor as a contract deputy to  
 37 perform the necessary work, including:

- 38 (1) the preparation of the surveyor's report or specified parts of it;  
 39 and  
 40 (2) the supervision of the construction or reconstruction.

41 (b) A contract deputy shall be employed by contract. Each contract  
 42 must be for work on a specific drainage project, and may be on a per

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- 1 project fee basis or on a per diem basis of compensation.
- 2 (c) A contract deputy must have the same qualifications as an
- 3 engineer or **professional** surveyor employed or appointed by the board
- 4 under section 30 or 31 of this chapter.
- 5 (d) The original of all plans, specifications, and other documents
- 6 made by a contract deputy in performing the work for which ~~he~~ **the**
- 7 **contract deputy** was employed, or facsimiles of them in reproducible
- 8 form, shall be transmitted to the board and shall be permanently
- 9 retained by the board or by the surveyor in the manner in which similar
- 10 documents prepared by the surveyor or the board are retained.
- 11 (e) The compensation of a contract deputy shall be assessed against
- 12 the drainage project for which the deputy was employed, and may be
- 13 paid from the general drain improvement fund before the order for the
- 14 construction or reconstruction.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 558, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 22, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 32. IC 25-21.5-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.5. "Authoritative" means being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying. For purposes of this article, GIS or electronic map data are not considered as authoritative survey products except when prepared by or under the supervision of a professional surveyor.**"

Page 28, line 7, delete "Maps" and insert "**Maps, cross-sections, graphics,**".

Page 28, line 10, after "document" insert "**and interpret**".

Page 28, line 10, delete "data." and insert "**data in the context of their respective practices.**".

Page 28, line 20, delete "photogrammetrist." and insert "**photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.**".

Page 44, line 26, strike "a minimum standard".

Page 44, strike lines 27 through 29 and insert "**an American Land Title Association and American Congress on Surveying and Mapping (ALTA/ACSM) land title survey.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 558 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.



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