Reprinted
February 12, 2013

SENATE BILL No. 558

DIGEST OF SB 558 (Updated February 11, 2013 2:52 pm - DI 14)

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.

Young R Michael, Buck, Taylor

January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.
February 5, 2013, amended, reported favorably — Do Pass.
February 11, 2013, read second time, amended, ordered engrossed.

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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:

SECTION 1. IC 5-16-11.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. As used in this chapter, "professional services" means those services that are:

(1) within the scope of practice specified by IC 25-4 for architecture, IC 25-31 for professional engineering, or IC 25-21.5 for ~~land~~ surveying; or

(2) performed by any licensed architect, professional engineer, or ~~land~~ **professional** surveyor in connection with ~~his~~ **the architect's, engineer's, or surveyor's** professional employment or practice.

SECTION 2. IC 6-1.1-5-11, AS AMENDED BY P.L.146-2008, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) In order to determine the quantity of land contained within a tract, an assessor shall follow the rules contained in this section.

(b) Except as provided in subsection (c), the assessor shall recognize the quantity of land stated in a deed or patent if the owner or person in whose name the property is listed holds the land by virtue of:

(1) a deed from another party or from this state; or
(2) a patent from the United States.

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

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

(1) the land was within the French or Clark's grant; and
(2) the party holds the land under original entry or survey.

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

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

(1) the owner or holder of the land has previously had it surveyed and presents to the assessor a survey certificate which states the quantity of land; or
(2) the assessor is satisfied from other competent evidence, given under oath or affirmation, that the quantity of land stated in the original survey is correct.

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

(1) wishes to have a parcel of land classified as native forest land, a forest plantation, or wildlands; or
(2) submits a revised application due to:
(A) the partial withdrawal of existing classified land;
(B) division of the parcel related to a conveyance; or
(C) the combination of contiguous lands;

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

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

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

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

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

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

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

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

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

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(2) The assessment required under section 5 of this chapter entered in ink by the county assessor.

(3) The signatures of the owner, the ~~registered land~~ **professional** surveyor (if a ~~registered land~~ **professional** surveyor is used), the county surveyor, and the county assessor.

(4) A letter of concurrence in the classification from the soil and water conservation district in which the land is located.

(b) If an error or omission affecting the eligibility of the application is discovered by the county surveyor or county assessor, the county surveyor or county assessor shall promptly notify the applicant of the deficiency and allow the applicant to amend the application.

SECTION 7. IC 6-1.1-6.8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A person who wishes to have a parcel of land classified as cemetery land must have it surveyed by a ~~registered land~~ **professional** surveyor. The **professional** surveyor shall make the survey by metes and bounds and locate the parcel with reference to some established corner. In addition, the **professional** surveyor shall identify the parcel by section, township, range, and county references. The **professional** surveyor shall prepare plats of the parcel in ink, and shall prepare the plats on the scale, and in the number, prescribed by the director.

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

SECTION 8. IC 6-1.1-6.8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A person who wishes to have a parcel of land classified as cemetery land must file an application in duplicate with the director on the forms prescribed by the director. The application must include the following items:

(1) The plats referred to in section 6 of this chapter.

(2) The assessment required under section 7 of this chapter entered in ink by the county assessor.

(3) The signature of the owner, the ~~registered land~~ **professional** surveyor, and the county assessor.

(b) If an error or omission affecting the eligibility of the application is discovered by the director or county assessor, the director or county assessor shall promptly notify the applicant of the deficiency and allow the applicant to amend the application.

SECTION 9. IC 8-3-15-3 IS AMENDED TO READ AS FOLLOWS

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

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

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

(d) This section does not apply to:

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

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

(3) an authorized representative of the railroad employees;

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

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

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

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

(8) representatives of the Indiana department of transportation;

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

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

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

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

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

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(B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(C) all other requirements specified in rules adopted by the water pollution control board are met; or

(2) a sanitary sewer extension for and within a subdivision, if:

(A) a qualified ~~land~~ **professional** surveyor who is registered under IC 25-21.5 prepared the plans;

(B) the subdivision is being laid out or having been laid out by the ~~land~~ **professional** surveyor subject to IC 25-21.5-7;

(C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(D) all other requirements specified in rules adopted by the board are met;

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

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

(1) Applying to the department for both of the following:

(A) A permit to fill in, reclaim, and own the real property. A permit issued under this clause is not effective until approved by the governor.

(B) A permit under IC 14-29-1.

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

(2) Obtaining an accurate survey and plat of:

(A) the real property between the interested person's real property and the dock or harbor line; or

(B) as much of the real property as the interested party wants to fill in and improve.

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

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

(A) Filing the survey and plat with the state land office division of the Indiana department of administration.

(B) Filing a copy of the survey and plat with the commissioner of the department of environmental management.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Incidental costs, expenses, and damages.

(2) Attorney's fees as allowed by the court.

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

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

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

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

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

SECTION 16. IC 14-26-8-61 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 61. (a) If a petition is filed under IC 36-9-27 for the construction, reconstruction, alteration, repair, or recleaning of a drainage ditch that extends into or within one hundred sixty (160) rods of a freshwater lake and has a bottom depth lower than the average normal water level of the lake, the petition may ask that:

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(1) the owners of land abutting or within four hundred forty (440) yards of the shoreline or water line of each lake likely to be affected;

(2) each county in which the lake lies; and

(3) the department;

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

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

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

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

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

(2) in the **county** surveyor's opinion, the improvement to the lake will:

(A) be beneficial to any person affected by the drainage project; or

(B) in any way provide better drainage than if the water level of the lake is left uncontrolled or undisturbed;

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

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

(1) The placement or replacement of a mobile home within a boundary river floodway.

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(2) The repair of a residence that:
(A) is located in a boundary river floodway; and
(B) has been damaged by floodwaters or another means;
except for the reconstruction of a residence to which section 25 of this chapter applies.
(3) The construction of an:
(A) addition to; or
(B) improvement of;
a residential structure within a boundary river floodway.
(4) The construction of a new residence within a boundary river floodway.
(b) The federal regulations that:
(1) were adopted by the director of the Federal Emergency Management Agency to implement the National Flood Insurance Act (42 U.S.C. 4001 et seq.);
(2) are published in 44 CFR Parts 59 through 60; and
(3) are in effect on January 1, 1997;
are adopted as the criteria for determining whether an activity referred to in subsection (a) is allowed in Indiana. However, the lowest floor of a new residence constructed within a boundary river floodway referred to in subsection (a)(4) must be at least two (2) feet above the one hundred (100) year frequency flood elevation.
(c) A person who wishes to perform an activity referred to in subsection (a) is authorized to perform the activity if:
(1) the federal regulations described in subsection (b) as the governing criteria allow the activity; and
(2) the person obtains a permit for the activity under this section.
(d) To obtain a permit for an activity referred to in subsection (a), a person must:
(1) file with the director a verified written application for a permit on a form provided by the department; and
(2) pay to the department a nonrefundable fee of ten dollars ($10).
(e) An application filed under this section must:
(1) set forth the material facts concerning the proposed activity; and
(2) in the case of an activity described in subsection (a)(1), (a)(3), or (a)(4), include plans and specifications for the construction, reconstruction, or repair.
(f) If an application submitted under this section meets the requirements set forth in subsections (d) and (e), the director may not reject the application unless the regulations adopted as the governing criteria under subsection (b) do not allow the activity.

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

(h) If:

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

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

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

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

(1) the expiration of a permit; or

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

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

(b) The report must do the following:

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

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

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

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

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

(2) The location of the proposed well as certified by a ~~land~~ **professional** surveyor registered under IC 25-21.5.

(3) The surface elevation of the proposed well and the method used for determining that elevation.

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(4) The depth of the proposed well.

(5) The number and location of all other dry, abandoned, or producing wells located within one-fourth (1/4) mile of the proposed well.

(6) The distance from the proposed well to the three (3) nearest boundary lines of the tract.

(7) With respect to an application to drill within a city or town, a certified copy of the official consent by ordinance of the municipal legislative body.

(8) Other information determined by the commission that is necessary to administer this article.

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

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

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

(d) Temporary notations shall include:

(1) the location of each working face of each working place;

(2) pillars mined or other such second mining;

(3) permanent ventilation controls constructed or removed, such as seals, overcasts, undercasts, regulators, and permanent stoppings, and the direction of air currents indicated; and

(4) escapeways designated by means of symbols.

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

(1) an architect under IC 25-4-1;

(2) a landscape architect under IC 25-4-2;

(3) a professional engineer under IC 25-31-1; or

(4) a ~~land~~ **professional** surveyor under IC 25-21.5.

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

(1) In the case of an accounting professional, the Indiana state board of public accountancy.

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

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

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

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(19) Podiatrists.
(20) Occupational therapists and occupational therapy assistants.
(21) Respiratory care practitioners.
(22) Social workers, marriage and family therapists, and mental health counselors.
(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
(24) Wholesale legend drug distributors.
(25) Physician assistants.
(26) Dietitians.
(27) Athlete agents.
(28) Manufactured home installers.
(29) Home inspectors.
(30) Massage therapists.
(31) Interior designers.
(32) Genetic counselors.

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

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

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
(5) State board of cosmetology and barber examiners.
(6) Medical licensing board of Indiana.
(7) Secretary of state.
(8) State board of dentistry.
(9) State board of funeral and cemetery service.
(10) Worker's compensation board of Indiana.
(11) Indiana state board of health facility administrators.
(12) Committee of hearing aid dealer examiners.
(13) Indiana state board of nursing.
(14) Indiana optometry board.
(15) Indiana board of pharmacy.
(16) Indiana plumbing commission.
(17) Board of podiatric medicine.

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

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

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

(1) Inform the individual of the following:
(A) That the individual's license has expired.
(B) Any requirements that must be met before reinstatement of a license may occur.

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(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

SECTION 26. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.3. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) Board of chiropractic examiners (IC 25-10-1).
(6) State board of cosmetology and barber examiners (IC 25-8-3-1).
(7) State board of dentistry (IC 25-14-1).
(8) Indiana dietitians certification board (IC 25-14.5-2-1).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) State board of funeral and cemetery service (IC 25-15-9).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of registration for ~~land~~ **professional** surveyors (IC 25-21.5-2-1).
(15) Manufactured home installer licensing board (IC 25-23.7).
(16) Medical licensing board of Indiana (IC 25-22.5-2).
(17) Indiana state board of nursing (IC 25-23-1).
(18) Occupational therapy committee (IC 25-23.5).
(19) Indiana optometry board (IC 25-24).
(20) Indiana board of pharmacy (IC 25-26).
(21) Indiana physical therapy committee (IC 25-27-1).
(22) Physician assistant committee (IC 25-27.5).
(23) Indiana plumbing commission (IC 25-28.5-1-3).
(24) Board of podiatric medicine (IC 25-29-2-1).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) State psychology board (IC 25-33).
(27) Indiana real estate commission (IC 25-34.1-2).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

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(29) Respiratory care committee (IC 25-34.5).
(30) Behavioral health and human services licensing board (IC 25-23.6).
(31) Speech-language pathology and audiology board (IC 25-35.6-2).
(32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

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

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

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

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

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

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"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) Board of chiropractic examiners (IC 25-10-1).

(5) State board of cosmetology and barber examiners (IC 25-8-3-1).

(6) State board of dentistry (IC 25-14-1).

(7) State board of funeral and cemetery service (IC 25-15-9).

(8) State board of registration for professional engineers (IC 25-31-1-3).

(9) Indiana state board of health facility administrators (IC 25-19-1).

(10) Medical licensing board of Indiana (IC 25-22.5-2).

(11) Indiana state board of nursing (IC 25-23-1).

(12) Indiana optometry board (IC 25-24).

(13) Indiana board of pharmacy (IC 25-26).

(14) Indiana plumbing commission (IC 25-28.5-1-3).

(15) Board of podiatric medicine (IC 25-29-2-1).

(16) State psychology board (IC 25-33).

(17) Speech-language pathology and audiology board (IC 25-35.6-2).

(18) Indiana real estate commission (IC 25-34.1-2).

(19) Indiana board of veterinary medical examiners (IC 25-38.1).

(20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(21) Respiratory care committee (IC 25-34.5).

(22) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(23) Occupational therapy committee (IC 25-23.5).

(24) Behavioral health and human services licensing board (IC 25-23.6).

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(25) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(26) State board of registration for ~~land~~ **professional** surveyors (IC 25-21.5-2-1).
(27) Physician assistant committee (IC 25-27.5).
(28) Indiana athletic trainers board (IC 25-5.1-2-1).
(29) Indiana dietitians certification board (IC 25-14.5-2-1).
(30) Indiana physical therapy committee (IC 25-27).
(31) Manufactured home installer licensing board (IC 25-23.7).
(32) Home inspectors licensing board (IC 25-20.2-3-1).
(33) State department of health, for out-of-state mobile health care entities.
(34) State board of massage therapy (IC 25-21.8-2-1).
(35) Any other occupational or professional agency created after June 30, 1981.

SECTION 29. IC 25-1-8-1, AS AMENDED BY P.L.42-2011, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) Board of chiropractic examiners (IC 25-10-1).
(5) State board of cosmetology and barber examiners (IC 25-8-3-1).
(6) State board of dentistry (IC 25-14-1).
(7) State board of funeral and cemetery service (IC 25-15).
(8) State board of registration for professional engineers (IC 25-31-1-3).
(9) Indiana state board of health facility administrators (IC 25-19-1).
(10) Medical licensing board of Indiana (IC 25-22.5-2).
(11) Mining board (IC 22-10-1.5-2).
(12) Indiana state board of nursing (IC 25-23-1).
(13) Indiana optometry board (IC 25-24).
(14) Indiana board of pharmacy (IC 25-26).
(15) Indiana plumbing commission (IC 25-28.5-1-3).
(16) State psychology board (IC 25-33).
(17) Speech-language pathology and audiology board (IC 25-35.6-2).
(18) Indiana real estate commission (IC 25-34.1-2-1).

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

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

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

SECTION 31. IC 25-4-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As used in this chapter, "board" means the board of registration for architects and landscape architects as established under IC 25-4-1-2.

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

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

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

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

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

(1) engage in the design of mechanical lift stations, sewage treatment facilities, sanitary and combined sewers, storm water management projects, public, semi-public, and private utilities, or other structures or facilities with separate and self-contained purposes, if the design work is ordinarily included in the practice of architecture or engineering;
(2) engage in the design of highways or traffic control devices;
(3) engage in the scientific analysis of hazardous material contamination;
(4) engage in topographic mapping or the certification of land surveys or final land plats for official approval or recording;
(5) otherwise engage in the practice of architecture (as defined in IC 25-4-1);
(6) otherwise engage in the practice of professional engineering (as defined in IC 25-31);
(7) engage in the practice of ~~land~~ surveying (as defined in IC 25-21.5); or
(8) engage in the practice of professional geology (as defined in

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IC 25-17.6).

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

(1) the practice of landscape architecture by any person who acts under the supervision of a practitioner or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

(2) the practice of architecture or land planning and proper land usage by a duly registered professional architect or the doing of landscape architectural work by a registered architect or by an employee under the supervision of a registered architect;

(3) the practice of engineering or land planning and proper land usage by a duly registered professional engineer and the doing of landscape architectural work by a registered professional engineer or by an employee under supervision of a registered professional engineer;

(4) the practice of surveying or land planning and proper land usage by a ~~registered land~~ **professional** surveyor and the doing of landscape architectural work by a ~~registered land~~ **professional** surveyor or by an employee under supervision of a ~~registered land~~ **professional** surveyor;

(5) the practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for the United States government;

(6) the practice of planning as is customarily done by regional, park, or urban planners;

(7) the practice of arborists, foresters, gardeners, turf managers, home builders, horticulturists, farmers, and other similar persons;

(8) the practice of any nurseryman or general or landscape contractor, including design, planning, location, planting and arrangements of plantings or other ornamental features; or

(9) the practice of natural resource professionals, including biologists, geologists, or soil scientists.

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**

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products except when prepared by or under the supervision of a professional surveyor.

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

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

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

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

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

~~(2) is a registered land surveyor.~~

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

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

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

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

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

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

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

~~(3) The preparation of subdivision plats.~~

~~(4) The preparation of legal descriptions of tracts of land to be used in the preparation of deeds of conveyance or other instruments, except when prepared by an attorney who is licensed~~

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~~to practice law in Indiana.~~

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

~~(b) The term includes the following:~~

~~(1) For and within subdivisions being laid out or having been laid out by the land surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.~~

~~(2) The necessary staking and layout work to construct roads, storm drainage, sanitary sewer extensions or location of residences or dwellings, if the plans and profiles were prepared by or under the direction of a land surveyor.~~

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

~~(4) All work incidental to cleaning out, reconstruction, or maintaining existing open and tile drains.~~

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

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

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

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

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

(2) Determining the size and shape of the earth, or any point on the earth, by performing geodetic surveys using angular

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and linear measurements through spatially oriented spherical geometry.

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

(4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.

(5) Making any survey or preparing any plat for the subdivision of any tract of land.

(6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.

(7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

(A) dependent on;

(B) in specific relation to; or

(C) in close proximity to a boundary or property line or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.

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(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 electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in

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systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

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

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

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

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

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

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

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

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

(5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data,

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quadrangle topographic maps, and military maps.

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

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

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

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

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

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

(1) By verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the person as a

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~~land~~ **professional** surveyor.

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

SECTION 40. IC 25-21.5-1-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. "Professional surveyor" means a person who:**

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

(2) is a registered professional surveyor.

SECTION 41. IC 25-21.5-1-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 9.7. "Surveyor intern" means a person who:**

(1) has:

(A) graduated from an approved surveying curriculum of at least four (4) years; or

(B) acquired, through surveying education and experience in surveying work, knowledge and skill approximating that obtained by graduation from an approved surveying curriculum of at least four (4) years;

(2) has successfully passed an examination as prescribed under IC 25-21.5-6; and

(3) has been issued an appropriate certificate of enrollment as a surveyor intern under IC 25-21.5-7-2.

SECTION 42. IC 25-21.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The state board of registration for ~~land~~ **professional** surveyors is established.

SECTION 43. IC 25-21.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The board consists of seven (7) members appointed by the governor.

(b) One (1) member must be appointed to represent the general public who is:

(1) a resident of Indiana; and

(2) not associated with ~~land~~ surveying other than as a consumer.

(c) Six (6) members must be registered ~~land~~ **professional** surveyors who engage in the practice of ~~land~~ surveying and who each meet the following conditions:

(1) Is a citizen of the United States.

(2) Has been a resident of Indiana for at least five (5) years immediately before the member's appointment.

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(3) Is registered in Indiana as a ~~land~~ **professional** surveyor.

(4) Has been engaged in the lawful practice of ~~land~~ surveying for at least eight (8) years.

(5) Has been in charge of ~~land~~ surveying work or ~~land~~ surveying teaching for at least five (5) years.

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

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

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

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

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

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

(1) issuance of a certificate of registration **or certificate of enrollment;** and

(2) renewal of a certificate of registration **or certificate of enrollment;**

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons

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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 surveyor on July 1, 2013; and

(2) the state board of registration for professional surveyors shall issue a license to the individual under this article.

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(b) Notwithstanding subsection (a), the state board of registration for professional surveyors and the Indiana professional licensing agency are not required to issue:

(1) a new wall license to an individual described in subsection (a); or

(2) a new pocket license to an individual described in subsection (a);

until the license renewal period beginning December 1, 2013.

(c) This section expires January 1, 2014.

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

(1) All of the following:

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

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

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

(2) All of the following:

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

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

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

(1) All of the following:

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

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

(2) All of the following:

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

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

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

SECTION 53. IC 25-21.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A person is not eligible for registration as a ~~land~~ **professional** surveyor or certification as a ~~land-surveyor-in-training~~ **surveyor intern** ~~who~~ **if the person** has been convicted of any of the following:

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

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

SECTION 54. IC 25-21.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. A person ~~having~~ **who has** the necessary qualifications prescribed in this chapter **and** who is entitled to registration is eligible for registration although the person may not be engaged in ~~land~~ surveying work at the time of application.

SECTION 55. IC 25-21.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Each person applying for registration as a ~~land~~ **professional** surveyor or for certification as a ~~land-surveyor-in-training~~ **surveyor intern** must apply on a form prescribed and provided by the board.

SECTION 56. IC 25-21.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. Each application for registration as a ~~land~~ **professional** surveyor must contain the following:

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

(2) A detailed summary of the technical work performed by the applicant, including a confirmation by the ~~registered~~ ~~land~~ **professional** surveyor who supervised the work. If the summary of the technical work cannot be confirmed because of conditions beyond the control of the applicant, including death, incompetence, or nonregistration by the supervising ~~land~~ **professional** surveyor, the board may allow the confirmation

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requirement to be fulfilled through other evidence.

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

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

(1) Statements showing the education of the applicant.

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

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

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

(1) contain the applicant's board assigned number; and

(2) be dated within one (1) year of the application.

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

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

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year ~~land~~ surveying curriculum.

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

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

(i) Federal laws and regulations.

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

(iii) The platting of subdivisions.

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

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

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

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

(ii) Indiana laws and rules.

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

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

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

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

SECTION 62. IC 25-21.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Examinations must

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be held at least two (2) times each year at times, places, and under conditions determined by the board. Examinations for certification as a ~~land-surveyor-in-training~~ **surveyor intern** may be held separately from the examinations for registration as a ~~land~~ **professional** surveyor.

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

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

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

(1) authorize the practice of ~~land~~ surveying;

(2) show the full name of the ~~land~~ **professional** surveyor;

(3) bear a serial number and date; and

(4) be signed by each member and by the secretary under seal of the board.

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

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

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

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

(2) bear a serial number and date; and

(3) be signed by the chairman and the secretary, under the seal of the board.

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

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

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

(1) Properly applies for a certificate of registration.

(2) Pays the required fee.

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

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

SECTION 69. IC 25-21.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. If the board refuses to issue a certificate of registration to a person who has made a proper application for registration as a ~~land~~ **professional** surveyor, the initial

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fee prescribed by the board and deposited with the board by the applicant shall be retained by the board as an application fee.

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

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

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

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

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

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

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

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

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

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

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

(b) Collection of field data, note reduction, computation, office analysis, and preparation of certificates and reports for a ~~land~~ survey,

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plan, specification, plat, drawing, or report sealed by a ~~land~~ **professional** surveyor must be performed by a ~~land~~ **professional** surveyor or an employee acting under the personal supervision and direction of the ~~land~~ **professional** surveyor.

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

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

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

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

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

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

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

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

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

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

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

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reviewed and approved by the ~~land~~ **professional** surveyor.

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

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

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

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

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

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

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

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

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hundred thousand dollars ($500,000) reverts to the state general fund.

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

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

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

(2) presents as the person's own the certificate of registration or the seal of another;

(3) gives false or forged evidence of any kind to the board or to a board member in obtaining a certificate of registration;

(4) impersonates any other registrant;

(5) uses an expired, a suspended, or a revoked certificate of registration; or

(6) otherwise violates this article;

commits a Class B misdemeanor.

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

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

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

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

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

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(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

(4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

(5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

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

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

(B) insurance underwriting purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

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

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

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

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

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

(12) An independent consultant employed by the attorney general

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under IC 32-34-1-48, to the extent that the independent consultant is engaged in providing services for the attorney general.

SECTION 85. IC 25-31-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) A county, city, town, township, school corporation, or other political subdivision of this state may not engage in the construction or maintenance of any public work involving the practice of engineering for which plans, specifications, and estimates have not been prepared, certified, and sealed by, and the construction and maintenance executed under the direct supervision of, a professional engineer. Any contract executed in violation of this section is void.

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

(1) to plans or specifications prepared by, or under the supervision of and certified by, an architect who is registered under IC 25-4-1;

(2) to structures and construction listed in IC 22-15-3-3(a); or

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

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

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

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

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

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

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

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

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

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

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

(1) The surety of the timber buyer.
(2) A timber buyer.
(3) A timber cutter.
(4) A landowner.
(5) An owner of land adjacent to the land from which the timber was cut.
(6) A consultant receiving a fee for services related to the timber.
(7) A ~~land~~ **professional** surveyor performing ~~a minimum standard detail survey in Indiana under the requirements of the Indiana Society of Professional Land Surveyors and Indiana Land Association.~~ **an American Land Title Association and American Congress on Surveying and Mapping (ALTA/ACSM) land title survey.**
(8) The department of natural resources, if the department has a

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

(c) The publishing of the existing control stations or the acceptance with intent to publish the newly established control stations by the

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National Geodetic Survey constitutes evidence of adherence to the FGCC specifications. Horizontal geodetic control monuments shall be permanently monumented and control data sheets prepared and filed so that a densification of the control network is accomplished.

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

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

IC 25-2.1-13-3 (Concerning accountants).
IC 25-2.5-3-4 (Concerning acupuncturists).
IC 25-5.1-4-2 (Concerning athletic trainers).
IC 25-5.2-2-12 (Concerning athlete agents).
IC 25-6.1-7-1 (Concerning auctioneers and auctions).
IC 25-6.1-7-2 (Concerning auctioneers and auctions).
IC 25-8-15.4-25 (Concerning beauty culture).
IC 25-10-1-11 (Concerning chiropractors).
IC 25-11-1-12 (Concerning collection agencies).
IC 25-13-1-3 (Concerning dental hygienists).
IC 25-14-1-25 (Concerning dentists).
IC 25-14-4-6 (Concerning dentists).
IC 25-14.5-7-2 (Concerning dietitians).
IC 25-16-1-18 (Concerning employment services).
IC 25-17.3-5-3 (Concerning genetic counselors).
IC 25-17.6-8-2 (Concerning geologists).
IC 25-18-1-19 (Concerning distress sales).
IC 25-20-1-21 (Concerning hearing aid dealers).
IC 25-20.7-5-1 (Concerning interior designers).
IC 25-21.5-5-10 (Concerning ~~land~~ **professional** surveyors).
IC 25-21.5-13-2 (Concerning ~~land~~ **professional** surveyors).
IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning physicians).
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.5-3-2 (Concerning occupational therapists).
IC 25-23.6-3-3 (Concerning marriage and family therapists).
IC 25-23.6-4-4 (Concerning marriage and family therapists).
IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and family therapists).

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IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
IC 25-23.6-11-1 (Concerning marriage and family therapists).
IC 25-23.6-11-2 (Concerning marriage and family therapists).
IC 25-23.6-11-3 (Concerning marriage and family therapists).
IC 25-23.7-7-5 (Concerning manufactured home installers).
IC 25-24-1-18 (Concerning optometrists).
IC 25-24-3-17 (Concerning optometrists).
IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-27-1-12 (Concerning physical therapists).
IC 25-27.5-7-2 (Concerning physician assistants).
IC 25-28.5-1-31 (Concerning plumbers).
IC 25-29-9-1 (Concerning podiatrists).
IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-31-1-13 (Concerning engineers).
IC 25-31-1-27 (Concerning engineers).
IC 25-31.5-8-7 (Concerning soil scientists).
IC 25-33-1-15 (Concerning psychologists).
IC 25-34.5-3-2 (Concerning respiratory care specialists).
IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
IC 25-36.1-1-2 (Concerning surgical technologists).
IC 25-36.5-1-10 (Concerning timber buyers).
IC 25-36.5-1-15 (Concerning timber buyers).
IC 25-38.1-4-10 (Concerning veterinarians).
IC 25-38.1-4-11 (Concerning veterinarians).
IC 25-39-5-1 (Concerning water well drilling contractors).

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IC 25-39-5-7 (Concerning water well drilling contractors).
IC 25-41-1-2 (Concerning behavior analysts).

SECTION 89. IC 36-2-11-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) An affidavit that:

(1) concerns the birth, marriage, death, name, residence, identity, or relationship of any of the parties named in an instrument affecting real property;

(2) is made by a ~~land~~ **professional** surveyor registered under IC 25-21.5 and concerns the existence or location of a monument or physical boundary;

(3) is made by a ~~land~~ **professional** surveyor registered under IC 25-21.5 and reconciles ambiguous descriptions in conveyances with descriptions in a regular chain of title;

(4) concerns facts incident to the adverse possession of real property and the payment of taxes on that property; or

(5) is made by a purchaser of real property sold on foreclosure or conveyed in lieu of foreclosure of:

(A) a deed of trust securing an issue of bonds or other evidences of indebtedness;

(B) a mortgage;

(C) a contract for the sale of real property; or

(D) any other security instrument;

held by a fiduciary or other representative, and concerns the authority of the purchaser to purchase the property and the terms and conditions on which the property is to be held and disposed of;

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

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

SECTION 90. IC 36-2-12-2.5, AS ADDED BY P.L.171-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) This section does not apply to an individual who is:

(1) an actively registered ~~land~~ **professional** surveyor;

(2) a graduate of an accredited ~~land~~ surveying curriculum; or

(3) a ~~land surveyor in training~~ **surveyor intern** (as defined in

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~~IC 25-21.5-1-5).~~ **IC 25-21.5-1-9.7).**

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

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

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

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

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

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

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

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

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

(c) The lines located and established under subsection (b) are

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binding on all landowners affected and their heirs and assigns, unless an appeal is taken under section 14 of this chapter. The right to appeal commences when the plat of the legal survey is recorded by the county surveyor in the legal survey record book.

SECTION 92. IC 36-2-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The **county** surveyor shall administer this section if the **county** surveyor is registered as a ~~land~~ **professional** surveyor under IC 25-21.5. If the **county** surveyor is not registered, the **county** surveyor shall, with the approval of the county executive, appoint a person who is registered as a ~~land~~ **professional** surveyor and is a resident voter of the county to administer this section. If a resident, ~~registered~~ ~~land~~ **professional** surveyor is not available, a ~~land~~ **professional** surveyor who resides in another county may be employed.

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

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

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

(3) a reference index for each corner.

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

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

(1) the location of the corner;

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

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

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

(5) the name of the **county** surveyor making the check; and

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

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

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

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

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

SECTION 93. IC 36-2-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. While doing work under section 10 or 11 of this chapter, a ~~land~~ **professional** surveyor registered under IC 25-21.5, **or the employees of the professional surveyor,** an unregistered county surveyor, or the employees of a county surveyor are not considered trespassers and are liable only for the actual damages they cause to property.

SECTION 94. IC 36-2-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "land surveyor" means any of the following:

(1) A ~~land~~ **professional** surveyor registered under IC 25-21.5.

(2) An employee or subordinate of a ~~land~~ **professional** surveyor registered under IC 25-21.5.

(3) An individual who is exempt from registration as a ~~land~~ **professional** surveyor under IC 25-21.5-3.

SECTION 95. IC 36-2-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a land surveyor has prepared a plat of any original, retracement, or record document survey (not including Indiana surveyor location reports or other similar documents normally associated with a mortgage loan) the plat shall be recorded in the county recorder's office when:

(1) a new tax parcel is created;

(2) no survey has been previously recorded; or

(3) the monuments, monument references, or the description varies from the last recorded survey of the parcel.

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

(1) The name of the owner or title holder according to the current county tax records at the time of recording (or the actual title holder if the land surveyor knows the tax records are not accurate).

(2) The area of each surveyed tract.

(3) A statement indicating the existence or absence of improvements on each surveyed tract.

(c) The county may enact an ordinance requiring that if plats of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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a copy.

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

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

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

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

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

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

(e) If a lot embraces more than one (1) specific description, the

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memoranda attached to the plat must designate how much of the lot belongs to each of the part owners.

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

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

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

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

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

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

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surveyor does not employ a registered person within one (1) year of the acceptance of a petition for construction or reconstruction of a drain, the board may make the appointment of a registered person that this section requires.

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

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

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

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

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

(2) the supervision of the construction or reconstruction.

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

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

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

(e) The compensation of a contract deputy shall be assessed against the drainage project for which the deputy was employed, and may be paid from the general drain improvement fund before the order for the 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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SENATE MOTION

Madam President: I move that Senate Bill 558 be amended to read as follows:

Page 7, line 3, delete "professional" and insert "**county**".
Page 7, line 32, delete "professional" and insert "**county**".
Page 8, line 1, delete "professional" and insert "**county**".
Page 8, line 7, delete "professional" and insert "**county**".
Page 8, line 13, delete "professional" and insert "**county**".
Page 8, line 16, delete "professional" and insert "**county**".
Page 8, line 25, delete "professional" and insert "**county**".
Page 8, line 26, delete "professional" and insert "**county**".
Page 9, line 18, delete "professional" and insert "**county**".
Page 9, line 30, delete "professional" and insert "**county**".
Page 9, line 36, delete "professional" and insert "**county**".
Page 28, line 30, after "or" delete "a".
Page 29, line 15, delete "IC 25-21.5-1-8.7" and insert "IC 25-21.5-1-9.7".
Page 29, line 17, delete "8.7." and insert "**9.7.**".
Page 49, line 4, delete "(IC 25-21.5-1-8.7)." and insert "**(IC 25-21.5-1-9.7).**".
Page 49, line 13, after "The" insert "**county**".
Page 50, line 9, after "The" insert "**county**".
Page 50, line 10, after "the" insert "**county**".
Page 50, line 11, after "the" insert "**county**".
Page 50, line 12, after "registered, the" insert "**county**".
Page 50, line 18, after "The" insert "**county**".
Page 50, line 39, after "of the" insert "**county**".
Page 50, line 41, after "of the" insert "**county**".
Page 51, line 1, after "the" insert "**county**".
Page 51, line 3, after "The" insert "**county**".
Page 51, line 3, after "in the" insert "**county**".
Page 51, line 13, after IC 25-21.5, insert "**or the employees of the professional surveyor,**".
Page 56, line 11, after "which the" insert "**county**".
Page 56, line 38, after "of the" insert "**county**".
Page 57, line 9, after "or by the" insert "**county**".
Page 57, line 10, after "by the" insert "**county**".

(Reference is to SB 558 as printed February 6, 2013.)

YOUNG R MICHAEL

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