

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 375

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO PLATS AND VACATIONS; AMENDING SECTION 50-1332, IDAHO CODE, TO
2 REVISE CONDITIONS UNDER WHICH A GOVERNING BODY MAY DIRECT THE COUNTY
3 SURVEYOR OR CONTRACT WITH A PROFESSIONAL LAND SURVEYOR IN PRIVATE PRACTICE
4 TO SET INTERIOR MONUMENTS FOR A SUBDIVISION, TO PROVIDE CONDITIONS
5 UNDER WHICH A SUBSTITUTE PROFESSIONAL LAND SURVEYOR MAY ASSUME RESPONSIBLE
6 CHARGE FOR SETTING INTERIOR MONUMENTS FOR A SUBDIVISION, TO PROVIDE
7 CONDITIONS UNDER WHICH A SUBSTITUTE PROFESSIONAL LAND SURVEYOR IS
8 REQUIRED TO FILE A RECORD OF SURVEY AND TO MAKE TECHNICAL CORRECTIONS.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 50-1332, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 50-1332. SETTING INTERIOR MONUMENTS AFTER RECORDING OF PLAT -- BOND OR
14 CASH DEPOSIT REQUIRED -- RELEASE OF BOND -- RETURN OF CASH DEPOSIT -- PAYMENT
15 FOR SURVEY WORK -- COUNTY SURVEYOR PERFORMING SURVEY WORK. (1) If the interior
16 monuments for a subdivision are to be set on or before a specified date
17 after the recording of the plat of the subdivision, the person subdividing
18 the land described in the plat shall furnish, prior to recording the plat,
19 to the governing body of the city or county which approved the plat, either a
20 bond or cash deposit, at the option of the governing body, in an amount equal
21 to one hundred twenty percent (120%) of the estimated cost of performing the
22 work for the interior monumentation. The estimated cost of performing such
23 work will be determined by the professional land surveyor signing the plat.

24 (2) If the person subdividing the land described in subsection (1) of
25 this section pays the professional land surveyor for performing the interior
26 monumentation work and notifies the governing body of such payment, the
27 governing body, within two (2) months after such notice, shall release the
28 bond or return the cash deposit upon a finding that such payment has been
29 made. Upon written request from the person subdividing the land, the governing
30 body may pay the professional land surveyor from moneys within a cash deposit
31 or bond held by it for such purpose and return the excess amount of the
32 cash deposit, if any, to such person.

33 (3) In the event of the ~~death, disability, or retirement from practice~~
34 ~~of the surveyor charged with the responsibility for setting interior monuments~~
35 ~~for a subdivision or upon the inability, refusal or failure of such~~
36 ~~professional land surveyor to set such~~ the interior monuments for a subdivision,
37 the governing body may direct the county surveyor in his official capacity
38 or contract with a professional land surveyor in private practice to set such
39 monuments and reference such monuments for recording as provided in section
40 50-1333, Idaho Code. Payment of the fees of a county surveyor or professional
41 land surveyor in private practice performing such work shall be made as
42 otherwise provided in this section. In the event the professional

1 land surveyor signing the plat performed his services pursuant to a contract
2 between the person subdividing the land and a business entity possessing a
3 certificate of authorization, as required in this chapter, and the profes-
4 sional land surveyor is unable, refuses or fails to set the interior monu-
5 ments for a subdivision, a substitute professional land surveyor employed by
6 the same business entity may assume responsible charge for the remainder of
7 the project and set the monuments, as provided in this chapter, and the gov-
8 erning body shall not direct the county surveyor or contract with a profes-
9 sional land surveyor in private practice to set such monuments.

10 (4) In the event any interior monument cannot be placed at the location
11 shown on the plat, the professional land surveyor shall place a witness cor-
12 ner or reference point and he shall file a record of survey as provided in
13 chapter 19, title 55, Idaho Code, to show the location of any witness corner
14 or reference point in relation to the platted location of the corner. In the
15 event the professional land surveyor signing the plat does not set the inte-
16 rior monuments for a subdivision, the substitute professional land surveyor
17 shall file a record of survey as provided in chapter 19, title 55, Idaho Code,
18 to show which monuments were set by which professional land surveyor.