

IN THE SENATE

SENATE BILL NO. 1037, As Amended

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1230, IDAHO CODE,
2 TO CLARIFY THAT PRIVATE LAND SURVEYORS MAY ACCESS PRIVATE LANDS AND TO
3 MAKE TECHNICAL CORRECTIONS.
4

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

6 SECTION 1. That Section 54-1230, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-1230. PUBLIC LAND SURVEYING -- RIGHT OF ENTRY. (1) Any person duly
9 licensed by the state of Idaho as a professional land surveyor, including all
10 subordinates subject to the supervision of a licensed surveyor while under-
11 taking land survey activities, and any surveyor or his subordinate employed
12 in the execution of any survey authorized by the congress of the United
13 States may enter upon lands within this state for the purpose of exploring,
14 triangulating, leveling, surveying, and of doing any work which that may be
15 necessary to carry out the objects of then existing laws relative to surveys,
16 and may establish permanent station marks, and may erect the necessary sig-
17 nals and temporary observatories, doing no unnecessary injury thereby.

18 (2) Nothing in this section shall affect the right of entry established
19 in sections 40-1310 and 40-2301, Idaho Code.

20 (3) A surveyor or his subordinate shall not enter railroad property
21 pursuant to this section without written permission from the railroad's
22 chief engineering officer or his designee.

23 (4) The surveyor, or any employee or agent of the land surveyor, may not
24 enter upon land for the purpose of surveying, performing other survey work,
25 or establishing a permanent survey monument without first providing prior
26 notice to the landowner or occupant by first class mail or by personal no-
27 tice. If the land is occupied by a person other than the landowner, prior
28 notice must also be given to the occupant by first class mail or by personal
29 notice. Notice that is given by first class mail must be mailed as soon as
30 practicable following the contract or agreement to perform the work and at
31 least seven (7) days prior to the entry onto the land unless the notice period
32 is waived in writing by the landowner, occupant, or an agent thereof. Notice
33 that is given by personal notice must be hand-delivered to the landowner or
34 occupant or, if hand delivery cannot be accomplished, it may be posted in a
35 conspicuous place where the landowner or occupant may reasonably be expected
36 to see the notice. The notice shall give the professional land surveyor's
37 name, address, telephone number, purpose, availability of the survey, and
38 the presence of any temporary or permanent monuments or other markers to be
39 established by the surveyor and left on the land. The surveyor or his agent
40 or employee shall cooperate with the landowner, occupant, or agent thereof
41 to avoid disruption of a business or agricultural operation.