

1 AN ACT relating to land surveyors.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 322.470 is amended to read as follows:

4 **(1)** As used in this section, "professional land surveyor" shall include the agents, the  
5 employees, and any personnel under the supervision of a professional land  
6 surveyor.

7 **(2)**~~(1)~~ A professional land surveyor may, **after providing notice under subsection**  
8 **(2) of this section,** go on, over, and upon the lands of others if necessary to perform  
9 surveys for the location of property corners, boundary lines, rights-of-way, and  
10 easements, and may carry with them their customary equipment and vehicles.

11 (a) Entry under the right hereby granted shall not constitute trespass; and

12 (b) A professional land surveyor shall not be liable to arrest or a civil action by  
13 reason of this entry.

14 **(3) (a) At least seven (7) days prior to the desired date of entry to the land, a**  
15 **professional land surveyor shall give notice to the owner of the land, by**  
16 **certified mail, return receipt requested. The notice shall contain the**  
17 **following information:**

18 **1. The identity of the person for whom the survey is being performed;**

19 **2. The purpose for which the survey is being performed;**

20 **3. The name of the employer of the professional land surveyor;**

21 **4. The identity of the professional land surveyor;**

22 **5. The dates, times, and location of entry to the land, including the**  
23 **estimated number of entries;**

24 **6. A timetable for completion of the survey, including an estimated**  
25 **completion date; and**

26 **7. A statement requesting the landowner provide the professional land**  
27 **surveyor with the name of each person who occupies the land as a**

1 tenant or lessee.

2 (b) A landowner may waive the notice requirement of this subsection, either  
3 orally or in writing.

4 (c) If, after sending the required notice, circumstances arise that require the  
5 professional land surveyor to change the date of the survey, he or she shall  
6 notify the landowner as soon as practicable of the change and provide a  
7 new date for the survey seven (7) days prior to the new date of entry to the  
8 land.

9 (d) This section shall not impose liability on a landowner who fails or refuses to  
10 provide the requested entry under this section.

11 (4) (a) If a landowner does not acknowledge receipt of the notice within the seven  
12 (7) day notice period or waives the notice requirement as permitted under  
13 subsection (3)(b) of this section, a person qualified under subsection (1)  
14 may enter the land pursuant to the specifications given in the notice.

15 (b) If a landowner acknowledges receipt of the notice within seven (7) days, the  
16 landowner may modify the access provisions of the notice, provided the  
17 modifications do not unreasonably restrict completion of the survey.

18 (5) Nothing in this section shall prohibit the landowner and professional land  
19 surveyor from reaching any mutual agreement for the date and time of the  
20 survey.

21 ~~(6)~~~~(2)~~ Nothing in this section shall be construed as giving authority to a professional  
22 land surveyor to destroy, injure, damage, or move anything on the lands of another  
23 without the written permission of the landowner; and nothing in this section shall be  
24 construed as removing civil liability for these damages.

25 ~~(7)~~~~(3)~~ A professional land surveyor shall make reasonable effort to give personal  
26 notice to~~notify~~ adjoining landowners upon whose land it is necessary to enter.

27 ~~(8)~~~~(4)~~ No owner or occupant of the land shall be liable for any injury or damage

1           sustained by any person entering upon his or her land under the provisions of this  
2           section.

3           *(9) A landowner shall be permitted to discuss information related to the survey and*  
4           *boundaries of the land with the professional land surveyor while he or she is*  
5           *conducting a survey on the landowner's property.*

6           *(10) A professional land surveyor shall supply the landowner with information on*  
7           *located, established, or reestablished corners that lie on the land or that may*  
8           *affect the boundaries of the land. Upon request, the professional land surveyor*  
9           *shall, without charge, provide the landowner with a copy of any relevant survey*  
10          *filed or recorded.*