

House Amendment 1430

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1 1 Amend House File 743 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 354.4A ENTRY UPON LAND
1 5 FOR SURVEY PURPOSES.
1 6 1. a. A land surveyor may enter public or private
1 7 land or water in the state only to occupy, locate,
1 8 relocate, install, or replace survey monuments, to
1 9 locate boundaries, rights-of-way, and easements, to
1 10 determine geodetic positions, and to make surveys and
1 11 maps and may carry with them their customary equipment
1 12 and vehicles. A surveyor may not enter buildings or
1 13 other structures located on the land. Entry under the
1 14 right granted in this section shall not constitute
1 15 trespass, and land surveyors shall not be liable to
1 16 arrest or a civil action by reason of the entry.
1 17 b. For purposes of this section, "land surveyor"
1 18 means a land surveyor licensed pursuant to chapter
1 19 542B or a person under the direct supervision of a
1 20 licensed land surveyor.
1 21 c. Vehicular access to perform surveys under this
1 22 section is limited to established roads and trails,
1 23 unless approval for other vehicular access is granted
1 24 by the landowner.
1 25 2. A vehicle used for or during entry pursuant to
1 26 this section shall be identified on the exterior by a
1 27 legible sign listing the name, address, and telephone
1 28 number of the land surveyor or the firm employing the
1 29 land surveyor.
1 30 3. Land surveyors shall announce and identify
1 31 themselves and their intentions before entering upon
1 32 private property. A land surveyor shall provide
1 33 written notice to the landowner, or the person who
1 34 occupies the land as a tenant or lessee, not less than
1 35 seven days prior to the entry. The notice shall be
1 36 sent by ordinary mail, postmarked not less than seven
1 37 days prior to the entry, or delivered personally. A
1 38 mailing is deemed sufficient if the surveyor mails the
1 39 required notice to the address of the landowner as
1 40 contained in the property tax records. For civil
1 41 liability purposes receipt of this notice shall not be
1 42 considered consent. This notice is not required for a
1 43 survey along previously surveyed boundaries within a
1 44 platted subdivision accepted or recorded by the
1 45 federal government.
1 46 3A. The written notice of the pending survey shall
1 47 contain all of the following:
1 48 a. The identity of the party for whom the survey
1 49 is being performed and the purpose for which the
1 50 survey will be performed.
2 1 b. The employer of the surveyor.
2 2 c. The identity of the surveyor.
2 3 d. The dates the land will be entered, the time,
2 4 location, and timetable for such entry, the estimated
2 5 completion date, and the estimated number of entries
2 6 that will be required.
2 7 4. This section shall not be construed as giving
2 8 authority to land surveyors to destroy, injure, or
2 9 damage anything on the lands of another without the
2 10 written permission of the landowner, and this section
2 11 shall not be construed as removing civil liability for
2 12 such destruction, injury, or damage.
2 13 5. A land surveyor who enters on private land must
2 14 comply with all biosecurity and restricted-access
2 15 protocols established by the owner or occupant of the
2 16 private land.
2 17 A landowner or occupant shall owe the same duty to
2 18 a land surveyor entering land without the consent of
2 19 the landowner or occupant as the landowner or occupant
2 20 would owe to a trespasser on that land.>

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