

Senate Study Bill 2053

Bill Text

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1 1 Section 1. Section [542B.2](#), subsection 5, Code 1997, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 5. a. "Practice of land surveying" as used in this
1 5 chapter means providing professional services such as
1 6 consultation, investigation, testimony, evaluation, planning,
1 7 mapping, assembling, and interpreting reliable scientific
1 8 measurements and information relative to the location, size,
1 9 shape, or physical features of the earth, improvements on the
1 10 earth, the space above the earth, and the utilization,
1 11 development, and interpretation of these facts into an orderly
1 12 survey map. The practice of land surveying includes, but is
1 13 not limited to, the following:
1 14 (1) Locating, relocating, establishing, reestablishing,
1 15 setting, or resetting of permanent monumentation for any
1 16 property line or boundary of any tract of land or any right-
1 17 of-way or easement. Setting permanent monuments constitutes
1 18 an improvement to real property.
1 19 (2) Making any survey for the division or subdivision of
1 20 any tract of land and writing the corresponding legal
1 21 description.
1 22 (3) Determination, by the use of the principles of land
1 23 surveying, of the position for any survey monument or
1 24 reference point excluding the responsibility of engineers
1 25 pursuant to section 314.8.
1 26 (4) Creating and writing metes and bounds descriptions as
1 27 defined in section 354.2.
1 28 (5) Determination of the configuration, elevation, or
1 29 contour of the earth's surface or the position of fixed
1 30 objects or any of the fixed works embraced within the practice
1 31 of professional engineering on the earth's surface by
1 32 measuring lines and angles and applying the principles of
1 33 mathematics and surveying.
1 34 (6) Geodetic surveying which includes surveying for
1 35 determination of the size and shape of the earth both
2 1 horizontally and vertically and the precise positioning of
2 2 points on the earth utilizing angular and linear measurements
2 3 through spatially oriented spherical geometry.
2 4 (7) Creation, preparation, or modification of electronic
2 5 or computerized data, including land information systems and
2 6 geographical information systems, relative to the performance
2 7 of the activities identified in this lettered paragraph.
2 8 b. This subsection does not prohibit a professional
2 9 engineer from practicing any aspect of the practice of
2 10 engineering.
2 11 c. A person is construed to be engaged in or offering to
2 12 be engaged in the practice of land surveying if the person
2 13 does any of the following:
2 14 (1) Engages in land surveying.
2 15 (2) Makes a representation by verbal claim, sign,
2 16 advertisement, letterhead, card, or other manner that the
2 17 person is a land surveyor.
2 18 (3) Uses any title which implies that the person is a land
2 19 surveyor or that the person is licensed under this chapter.
2 20 (4) Holds the person's self out as able to perform, or who
2 21 does perform, any service or work included in the practice of

2 22 land surveying.

2 23

EXPLANATION

2 24 This bill replaces the existing definition of the practice
2 25 of land surveying contained in Code section 542B.2, subsection
2 26 5, with a revised definition. As defined in the bill, the
2 27 practice of land surveying means providing a variety of
2 28 professional services relating to the location, size, shape,
2 29 or physical features of the earth, improvements on the earth,
2 30 and space above the earth. The practice of land surveying
2 31 includes, but is not limited to, activities relating to the
2 32 locating of permanent monumentation for boundary lines or
2 33 easements, making surveys for the division or subdivision of
2 34 tracts of land, determination of positions for survey
2 35 monuments or reference points, creating metes and bounds
3 1 descriptions, determination of the configuration, elevation,
3 2 or contour of the earth's surface or the position of fixed
3 3 objects or works on the earth's surface, geodetic surveying,
3 4 and the creation or modification of electronic or computerized
3 5 data relating to land surveying activities. The bill provides
3 6 that these provisions do not prohibit a professional engineer
3 7 from practicing any aspect of the practice of engineering.
3 8 The bill additionally specifies activities which, if engaged
3 9 in, shall be construed to constitute the practice of land
3 10 surveying, or an offer to practice land surveying.

3 11 LSB 3172DP 77

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