

**House File 299 - Introduced**

HOUSE FILE 299

BY DIEKEN

**A BILL FOR**

1 An Act relating to entering property for surveying purposes,  
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 354.4A, subsection 1, paragraph a, Code  
2 2023, is amended to read as follows:

3 a. A land surveyor may enter public or private land or water  
4 in the state only to occupy, locate, relocate, install, or  
5 replace survey monuments, to locate boundaries, rights-of-way,  
6 and easements, to determine geodetic positions, and to make  
7 surveys and maps and may carry with them their customary  
8 equipment and vehicles. A surveyor ~~may~~ shall not enter  
9 buildings or other structures located on the land. ~~Entry~~  
10 ~~under the right granted in this section shall not constitute~~  
11 ~~trespass, and land surveyors shall not be liable to arrest~~  
12 ~~or a civil action by reason of the entry. A surveyor shall~~  
13 not enter private property to conduct activities listed in  
14 this paragraph until the surveyor, or the surveyor's employer,  
15 receives explicit permission from the current property owner.  
16 Such permission shall be recorded either electronically or in  
17 writing. However, prior permission is not required in case of  
18 an emergency, disaster cleanup, or other activity constituting  
19 emergency disaster relief.

20 Sec. 2. Section 716.7, subsection 2, paragraph a, Code 2023,  
21 is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (8) Entering upon private property  
23 to conduct activities listed in section 354.4A, subsection  
24 1, paragraph "a", without properly acquiring permission when  
25 required under section 354.4A, subsection 1, paragraph "a".

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 This bill relates to entering property for surveying  
30 purposes. Current law states that entry onto public or private  
31 property to conduct certain surveying activities does not  
32 constitute trespass and a surveyor entering property to conduct  
33 such activities is not liable to arrest or civil action by  
34 reason of the entry.

35 The bill requires a surveyor to receive explicit permission

1 from a current property owner, recorded electronically or  
2 in writing, prior to entering private property to conduct  
3 surveying activities. Except in case of an emergency, disaster  
4 cleanup, or other activities constituting emergency disaster  
5 relief, a surveyor who enters private property without properly  
6 acquiring permission commits trespass pursuant to Code chapter  
7 716. General trespass is a simple misdemeanor punishable by  
8 a scheduled fine dependent on whether the offense is a first,  
9 second, or third or subsequent violation, and may lead to  
10 arrest or enhanced penalties depending on the circumstances.