

**House File 643 - Introduced**

HOUSE FILE 643  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 299)

**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, to conduct  
7 activities provided in section 479B.15, and to make surveys  
8 and maps and may carry with them their customary equipment  
9 and vehicles. A surveyor ~~may~~ shall not enter buildings or  
10 other structures located on the land. ~~Entry under the right~~  
11 granted in ~~this section~~ shall not constitute trespass, and  
12 land surveyors shall not be liable to arrest or a civil action  
13 by reason of the entry. A surveyor shall not enter private  
14 property to conduct activities listed in this paragraph until  
15 the surveyor, or the surveyor's employer, receives explicit  
16 permission from a person with an ownership interest in the  
17 property. If a person with an ownership interest in the  
18 property is not physically or mentally able to give explicit  
19 permission, explicit permission may be obtained from a person  
20 who is next of kin to the person with an ownership interest  
21 in the property. Such permission shall be recorded either  
22 electronically or in writing through the use of mail or  
23 certified mail. If the person with an ownership interest in  
24 the property has not responded to a surveyor's request for  
25 permission to enter the property within sixty days of receiving  
26 the request, the surveyor has implicit permission to enter  
27 the property to conduct activities listed in this paragraph.  
28 However, prior permission is not required in case of an  
29 emergency, disaster cleanup, or other activity constituting  
30 emergency disaster relief.

31 Sec. 2. Section 479B.15, Code 2023, is amended to read as  
32 follows:

33 **479B.15 Entry for land surveys.**

34 After the informational meeting or after the filing of a  
35 petition if no informational meeting is required, a pipeline

1 company may enter upon private land for the purpose of  
2 surveying and examining the land to determine direction or  
3 depth of pipelines by giving ~~ten days'~~ written notice by  
4 restricted certified mail to the landowner as defined in  
5 section 479B.4 and to any person residing on or in possession  
6 of the land and receiving explicit permission as required  
7 in section 354.4A. The entry for land surveys shall not be  
8 deemed a trespass and may be aided by injunction. The pipeline  
9 company shall pay the actual damages caused by the entry,  
10 survey, and examination.

11 Sec. 3. Section 716.7, subsection 2, paragraph a, Code 2023,  
12 is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (8) Entering upon private property  
14 to conduct activities listed in section 354.4A, subsection  
15 1, paragraph "a", without properly acquiring permission when  
16 required under section 354.4A, subsection 1, paragraph "a".

17 EXPLANATION

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

20 This bill relates to entering property for surveying  
21 purposes. Current law states that entry onto public or private  
22 property to conduct certain surveying activities does not  
23 constitute trespass and a surveyor entering property to conduct  
24 such activities is not liable to arrest or civil action by  
25 reason of the entry.

26 The bill specifies that a surveyor may enter property  
27 to conduct activities provided in Code section 479B.15 and  
28 requires a surveyor to receive explicit permission from a  
29 person with an ownership interest in the property or, if a  
30 person with an ownership interest is not physically or mentally  
31 able to give explicit permission, a next of kin of such a  
32 person. Such permission shall be recorded electronically or in  
33 writing, through the use of mail or certified mail, prior to  
34 entering private property to conduct surveying activities. If  
35 the person with an ownership interest in the property has not

1 responded to a surveyor's request for permission to enter the  
2 property within 60 days of receiving the request, the surveyor  
3 has implicit permission to enter the property to conduct  
4 surveying activities. Except in case of an emergency, disaster  
5 cleanup, or other activities constituting emergency disaster  
6 relief, a surveyor who enters private property without properly  
7 acquiring permission commits trespass pursuant to Code chapter  
8 716. General trespass is a simple misdemeanor punishable by  
9 a scheduled fine dependent on whether the offense is a first,  
10 second, or third or subsequent violation, and may lead to  
11 arrest or enhanced penalties depending on the circumstances.