

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 621

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PRIVATE LAND SURVEYING; AMENDING SECTION 54-1230, IDAHO CODE,  
2 TO PROVIDE PROCEDURES FOR ACCESS TO PRIVATE LAND FOR A PROFESSIONAL  
3 LAND SURVEYOR AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTIONS  
4 54-1231, 54-1232, AND 54-1233, IDAHO CODE, TO PROVIDE APPLICATION OF  
5 DAMAGES AND COSTS STATUTES TO PRIVATE SURVEYING.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-1230, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 54-1230. PUBLIC OR PRIVATE SURVEYING -- RIGHT OF ENTRY. (1) Any per-  
11 son employed in the execution of any survey authorized by the congress of  
12 the United States may enter upon lands within this state for the purpose of  
13 exploring, triangulating, leveling, surveying, and ~~of~~ doing any work ~~which~~  
14 that may be necessary to carry out the objects of ~~then-existing~~ laws rela-  
15 tive to surveys, and may establish permanent station marks, and may erect the  
16 necessary signals and temporary observatories, doing no unnecessary injury  
17 thereby.

18 (2) A professional land surveyor licensed pursuant to the provisions of  
19 this chapter, and his subordinates, who in the course of work that may be nec-  
20 essary to carry out the objects of existing laws relative to surveys, finds  
21 it necessary to go upon or across the land of a party or parties other than  
22 the one for whom the survey is being made, and upon or across such land lie  
23 land survey corners or monuments, the access to which is necessary to com-  
24 plete a survey, shall not be guilty of trespass but shall be liable for any  
25 damage done to such land or property. If the person making a survey under  
26 this subsection cannot obtain oral permission from the owner of the land to  
27 enter, then he shall give written notice via United States registered or cer-  
28 tified mail, return receipt requested, of the survey to the owner of the land  
29 at least ten (10) days before entering the land. If confirmation of deliv-  
30 ery of notification is received by the surveyor within the ten (10) days, the  
31 surveyor may enter upon the land.

32 SECTION 2. That Section 54-1231, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 54-1231. PUBLIC OR PRIVATE SURVEYING -- ASSESSMENT OF DAMAGES FOR EN-  
35 TRY. If the parties interested cannot agree upon the amount to be paid for  
36 damages caused thereby, either of them may petition the district court in the  
37 county in which the land is situated, which court shall appoint a time for a  
38 hearing as soon as may be, and order at least twenty (20) days' notice to be  
39 given to all parties interested, and, with or without a view of the premises,

1 as the court may determine, hear the parties and their witnesses and assess  
2 damages.

3 SECTION 3. That Section 54-1232, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 54-1232. PUBLIC OR PRIVATE SURVEYING -- TENDER OF DAMAGES FOR EN-  
6 TRY. The person so entering upon land may tender to the injured party damages  
7 therefor, and if, in case of petition or complaint to the court, the damages  
8 finally assessed do not exceed the amount tendered, the person entering  
9 shall recover costs; otherwise the prevailing party shall recover costs.

10 SECTION 4. That Section 54-1233, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 54-1233. PUBLIC OR PRIVATE SURVEYING -- COSTS OF ASSESSMENT OF DAM-  
13 AGES. The costs to be allowed in all such cases shall be the same as allowed  
14 according to the rules of the court, and provisions of law relating thereto.