

IN THE SENATE

SENATE BILL NO. 1235

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMEND-  
2 ING SECTION 31-3205, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMEND-  
3 ING SECTION 50-1301, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SEC-  
4 TION 50-1304, IDAHO CODE, TO REVISE PROVISIONS REGARDING PLATS; AMEND-  
5 ING SECTION 54-1202, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SEC-  
6 TION 54-1215, IDAHO CODE, TO REVISE PROVISIONS REGARDING SEALS; AMEND-  
7 ING SECTION 55-1603, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SEC-  
8 TION 55-1604, IDAHO CODE, TO PROVIDE FOR CERTAIN CORNERS USED AS TIES;  
9 AMENDING SECTION 55-1902, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE  
10 TECHNICAL CORRECTIONS; AMENDING SECTION 55-1906, IDAHO CODE, TO PRO-  
11 VIDE FOR CERTAIN MONUMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
12 EFFECTIVE DATE.  
13

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

15 SECTION 1. That Section 31-3205, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may  
18 receive for his services the following fees to be paid him by the party  
19 procuring his services:

- 20 (a) Except as otherwise set forth in this section, for recording every  
21 instrument, paper or notice, for the first page ..... \$10.00  
22 For each additional page ..... \$3.00
- 23 (b) For recording each of the following types of instruments, provided  
24 such instrument is thirty (30) pages or less:
  - 25 (i) Deeds, grants and transfers of title to real prop-  
26 erty ..... \$15.00
  - 27 (ii) Trust deeds or mortgages of real property, including fixture  
28 filings, security agreements and assignments of leases and rents  
29 if contained within the same instrument for recording .... \$45.00
  - 30 (iii) Reconveyances of trust deeds, reconveyances of trust deeds  
31 that include a substitution of trustee if contained within the  
32 same instrument for recording, and releases of mortgages . \$15.00
  - 33 (iv) Substitution of a trustee ..... \$10.00
  - 34 (v) Powers of attorney ..... \$25.00
- 35 For each additional page beyond thirty (30) pages for an instrument  
36 listed in this paragraph ..... \$3.00
- 37 (c) For electronic copies (as defined in subsection (2) of this sec-  
38 tion) requested on a recurring basis, for each page or image ..... 5¢
- 39 (d) For copies of any record or paper, for each page ..... \$1.00
- 40 (e) For each certificate under seal, when required ..... \$1.00

- 1 (f) For release or assignment where more than one (1) document is re-
- 2 leased or assigned in the same instrument, for each additional release
- 3 or assignment ..... \$1.00
- 4 (g) For recording every town plat or map, for the first one hundred
- 5 (100) lots or less ..... \$11.00
- 6 ~~And for~~ For each additional lot ..... 5¢
- 7 (h) For taking acknowledgments, including seal ..... \$1.00
- 8 (i) For filing a survey, for each page ..... \$5.00
- 9 (j) For making a copy of a survey or highway right-of-way plat ... \$4.00
- 10 (k) For issuing marriage license, filing, recording and indexing the
- 11 certificate of marriage and taking and filing affidavits required in
- 12 issuance of the license ..... \$11.00
- 13 (l) For administering an oath, including jurat ..... \$1.00
- 14 And certifying the same when required, an additional ~~sum~~ fee of .. \$1.00
- 15 (m) For comparing and certifying a prepared copy of a file or record in
- 16 his office, for each page ..... 50¢
- 17 (n) For each certificate under seal, ~~there shall be~~ an additional fee
- 18 of ..... \$1.00
- 19 (2) Electronic copies shall include copies provided via internet down-
- 20 load, on a compact disc, zip disc, floppy disc, or other electronic means.
- 21 The county recorder shall provide electronic copies if the record is main-
- 22 tained in electronic form and if the person specifically requests an elec-
- 23 tronic copy.
- 24 (3) For duplication of recorded documents in paper, microfilm or micro-
- 25 fiche format requested on a recurring basis in excess of one hundred (100)
- 26 pages, the fee shall be negotiated between the county recorder and the pur-
- 27 chaser of records. The fee shall not exceed the costs to the county recorder
- 28 for the retrieval and duplication of the record. These negotiated fees shall
- 29 be recommended by the county recorder and approved by the board of county
- 30 commissioners. Any existing agreements for duplication of paper, microfilm
- 31 or microfiche documents in excess of one hundred (100) pages are hereby rat-
- 32 ified and approved. Any negotiated fees shall remain in effect until such
- 33 time as either party requests a review of the fee.
- 34 (4) All instruments delivered to the county recorder for record
- 35 shall be recorded rather than filed with the exception of plats, surveys,
- 36 ~~cornerstone markers~~ corner records, and instruments under the uniform com-
- 37 mercial code.
- 38 (5) For all other services as recorder, not enumerated herein, the fee
- 39 shall be as fixed in the statute requiring the service or the same fee as al-
- 40 lowed the clerk of the district court for like service.
- 41 (6) A page shall not exceed fourteen (14) inches in length nor eight and
- 42 one-half (8 1/2) inches in width. Each page shall be typewritten or be in
- 43 legible writing. The recording fee to be charged for maps, sketches, draw-
- 44 ings or other instruments except plats larger than the size permitted in this
- 45 subsection for a page shall be two cents (2¢) per square inch.

46 SECTION 2. That Section 50-1301, Idaho Code, be, and the same is hereby  
 47 amended to read as follows:

48 50-1301. DEFINITIONS. The following definitions shall apply to terms  
 49 used in this section and sections 50-1302 through 50-1334, Idaho Code.

1 (1) Basis of bearing: The bearing in degrees, minutes and seconds, or  
 2 equivalent, of a line between two (2) monuments or two (2) monumented corners  
 3 that serves as the reference bearing for all other lines on the survey. A  
 4 description of the bearing system used to include a complete citation of the  
 5 datum, epoch, and name of the published projection used must be shown on the  
 6 survey. If a custom projection is used, the datum, epoch, and defining pa-  
 7 rameters of the projection sufficient to replicate the bearing system shall  
 8 also be shown on the survey. For surveys where the bearing system is shown in  
 9 accordance with this subsection, the convergence angle computed at a minimum  
 10 of one monument on the survey must be shown.

11 (2) Easement: A right of use, falling short of ownership, and usually  
 12 for a certain stated purpose;

13 (3) Functioning street department: A city department responsible for  
 14 the maintenance, construction, repair, snow removal, sanding and traffic  
 15 control of a public highway or public street system which qualifies such  
 16 department to receive funds from the highway distribution account to local  
 17 units of government pursuant to section 40-709, Idaho Code;

18 (4) GLO: The general land office and its successor agency, the United  
 19 States department of the interior, bureau of land management;

20 (5) Idaho coordinate system: That system of coordinates established  
 21 and designated by chapter 17, title 55, Idaho Code;

22 (56) Land survey: Measuring the field location of corners that:

23 (a) Determine the boundary or boundaries common to two (2) or more own-  
 24 erships;

25 (b) Retrace or establish land boundaries;

26 (c) Retrace or establish boundary lines of public roads, streets, al-  
 27 leys or trails; or

28 (d) Plat lands and subdivisions thereof.

29 (67) Monument: A physical structure or object ~~that occupies the posi-~~  
 30 ~~tion of a corner~~ intended to mark, reference, or witness a line, corner, or  
 31 position;

32 (78) Owner: The proprietor of the land (having legal title);

33 (89) Plat: The drawing, map or plan of a subdivision, cemetery, town-  
 34 site or other tract of land, or a replatting of such, including certifica-  
 35 tions, descriptions and approvals;

36 (910) Private road: A road within a subdivision plat that is not dedi-  
 37 cated to the public and not a part of a public highway system;

38 (101) Public highway agency: The state transportation department, any  
 39 city, county, highway district or other public agency with jurisdiction over  
 40 public highway systems and public rights-of-way;

41 (112) Public land survey corner: Any point actually established and  
 42 monumented in an original survey or resurvey that determines the boundaries  
 43 of remaining public lands, or public lands patented, represented on an  
 44 official plat and in the field notes thereof, accepted and approved under  
 45 authority delegated by congress to the U.S. general land office and the U.S.  
 46 department of the interior, bureau of land management; however, this defini-  
 47 tion shall exclude GLO-surveyed townsite lot corners, except those marking  
 48 exterior angle points or block corners within the townsite;

49 (123) Public right-of-way: Any land dedicated and open to the public  
 50 and under the jurisdiction of a public highway agency, where the public high-

1 way agency has no obligation to construct or maintain said right-of-way for  
2 vehicular traffic;

3 (134) Public street: A road, thoroughfare, alley, highway or bridge un-  
4 der the jurisdiction of a public highway agency;

5 (145) Reference point: A special monumented point that does not occupy  
6 the same geographical position as the corner itself and where the spatial re-  
7 lationship to the corner is known and recorded and that serves to locate the  
8 corner;

9 (156) Sanitary restriction: The requirement that no building or shel-  
10 ter, which ~~will~~ requires a water supply facility or a sewage disposal facil-  
11 ity for people using the premises where such building or shelter is located,  
12 shall be erected until written approval is first obtained from the director  
13 of the department of environmental quality or his delegate approving plans  
14 and specifications either for public water and/or sewage facilities, or in-  
15 dividual parcel water and/or sewage facilities;

16 (167) Street: A road, thoroughfare, alley, highway or a right-of-way  
17 which ~~that~~ may be open for public use but is not part of a public highway sys-  
18 tem ~~nor or~~ under the jurisdiction of a public highway agency;

19 (178) Subdivision: A tract of land divided into five (5) or more lots,  
20 parcels, or sites for the purpose of sale or building development, whether  
21 immediate or future; provided that this definition shall not include a bona  
22 fide division or partition of agricultural land for agricultural purposes.  
23 A bona fide division or partition of agricultural land for agricultural pur-  
24 poses shall mean the division of land into lots, all of which are five (5)  
25 acres or larger, and maintained as agricultural lands. Cities or counties  
26 may adopt their own definition of subdivision in lieu of this definition;

27 (189) Witness corner: A monumented point on a lot line or boundary line  
28 of a survey, near a corner and established in situations where it is imprac-  
29 ticable to occupy or monument the corner.

30 SECTION 3. That Section 50-1304, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 50-1304. ESSENTIALS OF PLATS. (1) All plats offered for record in any  
33 county shall be upon stable base drafting film with a minimum base thickness  
34 of 0.003 inches. The image thereon shall be by a photographic process or  
35 a process by which a copy is produced using an ink jet or digital scanning  
36 and reproduction machine with black opaque drafting film ink or fused toner  
37 that will ensure archival permanence. The copy and image thereon shall be  
38 waterproof, tear resistant, flexible, and capable of withstanding repeated  
39 handling, as well as providing archival permanence. If ink or toner is used,  
40 the surface shall be coated with a suitable substance, if required by the  
41 county where the plat is to be recorded, to assure permanent legibility.  
42 Plats shall be eighteen (18) inches by twenty-seven (27) inches in size,  
43 with a three and one-half (3 1/2) inch margin at the left end for binding and  
44 a one-half (1/2) inch margin on all other edges. No part of the drawing or  
45 certificates shall encroach upon the margins. Signatures shall be in repro-  
46 ducible black ink. The sheet or sheets which contain the drawing or diagram  
47 representing the survey of the subdivision shall be drawn at a scale suitable  
48 to ensure the clarity of all lines, bearings and dimensions. In the event  
49 that any subdivision is of such magnitude that the drawing or diagram cannot

1 be placed on a single sheet, serially numbered sheets shall be prepared and  
 2 match lines shall be indicated on the drawing or diagram with appropriate  
 3 references to other sheets. The required dedications, acknowledgments and  
 4 certifications shall appear on any of the serially numbered sheets.

5 (2) The plat shall show:

6 (a) ~~t~~The streets and alleys, with widths and courses clearly shown;

7 (b) ~~e~~Each street named;

8 (c) ~~a~~All lots numbered consecutively in each block, and each block let-  
 9 tered or numbered, provided however, in a platted cemetery, that each  
 10 block, section, district or division and each burial lot shall be desig-  
 11 nated by number or letter or name;

12 (d) ~~e~~Each and all lengths of the boundaries of each lot shall be shown,  
 13 provided however, in a platted cemetery, that lengths of the boundaries  
 14 of each burial lot may be shown by appropriate legend;

15 (e) ~~t~~The exterior boundaries shown by distance and bearing;

16 (f) ~~d~~Descriptions of survey monuments;

17 (g) The point of beginning with ties to at least two (2) public land sur-  
 18 vey corner monuments in one (1) or more of the sections containing the  
 19 subdivision, or in lieu of public land survey corner monuments, to two  
 20 (2) monuments recognized by the county surveyor; and also, if monuments  
 21 from the following list:

22 (i) Public land survey corners;

23 (ii) Center of section, quarter section corners, or sixteenth  
 24 section corners, any of which were not monumented in an original  
 25 survey of the United States, provided such corners have a corner  
 26 record meeting the current requirements of chapter 16, title 55,  
 27 Idaho Code; or

28 (iii) Monuments recognized by the county surveyor.

29 Additionally, if required by the city or county governing bodies, give  
 30 the plat shall provide coordinates based on the Idaho coordinate sys-  
 31 tem.

32 (h) ~~t~~The easements;

33 (i) ~~b~~Basis of bearings, bearing and length of lines, graphic scale of  
 34 plat, and north arrow;

35 (j) ~~s~~Subdivision name; and

36 (k) ~~n~~Narrative as described in section 55-1906, Idaho Code.

37 (3) When coordinates in the Idaho coordinate system are shown on a plat,  
 38 the plat must show the national spatial reference system monuments and their  
 39 coordinates used as the basis of the survey; the zone; the datum and adjust-  
 40 ment; and the combined adjustment factor and the convergence angle and the  
 41 location where they were computed.

42 (4) Plats that are re-subdivisions of subdivisions of record need not  
 43 meet the requirements set forth in subsection (2) (g) of this section.

44 SECTION 4. That Section 54-1202, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 54-1202. DEFINITIONS. As used in this chapter, unless the context or  
 47 subject matter requires otherwise:

48 (1) "Authoritative" means certified by a professional land surveyor in  
 49 accordance with established principles of professional land surveying when

1 used to describe products, processes, applications or data resulting from  
2 the practice of professional land surveying.

3 (2) "Benchmark" means a material object, natural or artificial, whose  
4 elevation is referenced to an adopted datum.

5 (3) "Board" means the Idaho board of licensure of professional engi-  
6 neers and professional land surveyors, hereinafter provided by this chap-  
7 ter.

8 (4) "Business entity" means a corporation, professional corporation,  
9 limited liability company, professional limited liability company, general  
10 partnership, limited partnership, limited liability partnership, profes-  
11 sional limited liability partnership or any other form of business except a  
12 sole proprietorship.

13 (5) "Consulting engineer" means a professional engineer whose prin-  
14 cipal occupation is the independent practice of professional engineering;  
15 whose livelihood is obtained by offering engineering services to the public;  
16 who is devoid of public, commercial and product affiliation that might tend  
17 to infer a conflict of interest; and who is cognizant of his public and legal  
18 responsibilities, and is capable of discharging them.

19 (6) "Engineer" means a person who is qualified to practice engineering  
20 by reason of his special knowledge and use of mathematical, physical and en-  
21 gineering sciences, and the principles and methods of engineering analysis  
22 and design, acquired by professional education and engineering experience.

23 (7) "Engineer intern" means a person who has ~~qualified for, taken and~~  
24 ~~passed an examination in the fundamentals of engineering subjects~~ been duly  
25 certified as an engineer intern as provided in this chapter.

26 (8) "Land surveyor intern" means a person who has ~~qualified for, taken~~  
27 ~~and passed an examination in the fundamentals of surveying subjects~~ been  
28 duly certified as a land surveyor intern by the board as provided in this  
29 chapter.

30 (9) "Professional boundary land survey" means land surveying services  
31 performed by a land surveyor licensed by this chapter and includes estab-  
32 lishing, reestablishing, marking, or locating the corners or lines of:

- 33 (a) Property boundaries;
- 34 (b) The public land survey system;
- 35 (c) Rights-of-way;
- 36 (d) Easements;
- 37 (e) Lease areas; or
- 38 (f) Other interests in real property.

39 (10) "Professional engineer" means a person who has been duly licensed  
40 as a professional engineer by the board under this chapter.

41 (11) "Professional engineering" and "practice of professional engi-  
42 neering" mean any service or creative work offered to or performed for the  
43 public for any project physically located in this state, such as consulta-  
44 tion, investigation, evaluation, planning, designing, design coordination,  
45 teaching upper division engineering design subjects, and responsible charge  
46 of observation of construction in connection with any public or private  
47 utilities, structures, buildings, machines, equipment, processes, works or  
48 projects, or to certify elevation information, wherein the public welfare or  
49 the safeguarding of life, health, or property is concerned or involved, when  
50 such service requires the application of engineering principles and data.

1 A person shall be construed to practice or offer to practice professional  
 2 engineering within the meaning and intent of this chapter who practices or  
 3 offers to practice any of the branches of the profession of engineering for  
 4 the public for any project physically located in this state or who, by verbal  
 5 claim, sign, advertisement, letterhead, card, or in any other way, repre-  
 6 sents himself to be a professional engineer or through the use of some other  
 7 title implies that he is a professional engineer or that he is licensed under  
 8 this chapter, or holds himself out as able to perform or who does perform for  
 9 the public for any project physically located in this state, any engineering  
 10 service or work or any other service designated by the practitioner ~~which~~  
 11 that is the practice of professional engineering.

12 (12) (a) "Professional land surveying" and "practice of professional  
 13 land surveying" mean responsible charge of authoritative land survey-  
 14 ing services using sciences such as mathematics, geodesy and photogram-  
 15 metry and involving:

16 (i) The making of geometric measurements and gathering related  
 17 information pertaining to the physical or legal features of the  
 18 earth, improvement on the earth, and the space above, on or below  
 19 the earth; and

20 (ii) Providing, utilizing or developing the same into survey  
 21 products such as graphics, data, maps, plans, reports, descrip-  
 22 tions or projects. Professional services include acts of consul-  
 23 tation, investigation, testimony, planning, mapping, assembling  
 24 and interpreting and gathering measurements and information re-  
 25 lated to any one (1) or more of the following:

- 26 1. Determining by measurement the configuration or contour
- 27 of the earth's surface or the position of any fixed objects;
- 28 2. Performing geodetic surveys to determine the size and
- 29 shape of the earth or the position of any point on the earth;
- 30 3. Locating, relocating, establishing, reestablishing or
- 31 retracing property lines or boundaries of any tract of land,
- 32 road, right-of-way, easement or real property lease;
- 33 4. Making any survey for a division or subdivision or a con-
- 34 solidation of any tracts of land;
- 35 5. Locating or laying out of alignments, positions or eleva-
- 36 tions in the field for the construction of fixed works;
- 37 6. Determining, by the use of principles of surveying, the
- 38 position for any boundary or nonboundary survey monument or
- 39 reference point or for establishing or replacing any such
- 40 monument or reference point;
- 41 7. Certifying elevation information;
- 42 8. Preparing narrative land descriptions; or
- 43 9. Creating, preparing or modifying electronic or other
- 44 data necessary for the performance of activities in subpara-
- 45 graphs 1. through 8. of this paragraph.

46 (b) "Professional land surveying" and "practice of professional land  
 47 surveying" shall not mean:

- 48 (i) Mapping or geographic information system work that is for  
 49 nonauthoritative boundaries and nonauthoritative elevations;

1 (ii) Construction survey work that is unrelated to establishing  
2 vertical and horizontal project control; or

3 (iii) Construction staking of fixed works or the development and  
4 use of electronic models for machine-controlled construction that  
5 by design are unrelated to determining boundaries described in  
6 paragraph (a) (ii) 3. of this subsection.

7 Any person shall be construed to practice or offer to practice professional  
8 land surveying who engages in professional land surveying~~7~~ or who, by verbal  
9 claim, sign, advertisement, letterhead, card, or in any other way, repre-  
10 sents himself to be a professional land surveyor~~7~~ or who represents himself  
11 as able to perform or who does perform any professional land surveying ser-  
12 vice or work or any other service designated by the practitioner ~~which~~ that  
13 is professional land surveying.

14 (13) "Professional land surveyor" means a person who is qualified by  
15 reason of his knowledge of the principles of land surveying acquired by ed-  
16 ucation and practical experience to engage in the practice of professional  
17 land surveying and who has been duly licensed as a professional land surveyor  
18 by the board under this chapter.

19 (14) "Public" means any person, firm, corporation, partnership, com-  
20 pany, government agency, institution or any other entity recognized by law.

21 (15) "Responsible charge" means the control and direction of engineer-  
22 ing work, or the control and direction of land surveying work, requiring ini-  
23 tiative, professional skill, independent judgment and professional knowl-  
24 edge of the content of relevant documents during their preparation. Except  
25 as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and  
26 correcting, documents after they have been prepared by others does not con-  
27 stitute the exercise of responsible charge.

28 (16) "Retired professional engineer" or "retired professional land  
29 surveyor" means a professional licensed under this chapter who chooses to  
30 place his license in retired status indicating he is no longer practicing or  
31 offering to practice professional engineering or professional land survey-  
32 ing.

33 (17) "Rules of professional responsibility" means those rules, if any,  
34 promulgated by the board, as authorized by the Idaho Code.

35 (18) "Signature" means ~~either: an original handwritten message identi-~~  
36 ~~fication containing the name of the person who applied it; or a digital sig-~~  
37 ~~nature, which is an electronic authentication process attached to or logi-~~  
38 ~~cally associated with an electronic document. The digital signature must be~~  
39 ~~unique to the person using it; must be capable of verification; must be un-~~  
40 ~~der the sole control of the person using it; and must be linked to a document~~  
41 ~~in such a manner that the digital signature is invalidated if any data in the~~  
42 ~~document is changed.~~

43 ~~(19)~~ "Standard design plan" means a building, structure, equipment or  
44 facility that is intended to be constructed or sited at multiple locations  
45 and for which some or all of the plans must be prepared by a professional en-  
46 gineer.

47 ~~(20)~~ (19) "Survey monuments used as control" means any monument marking,  
48 referencing, or used as a witness for a line or corner in any professional  
49 boundary land survey as defined in subsection (9) of this section.



1 SECTION 5. That Section 54-1215, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-1215. LICENSE -- SEALS -- INTERN CERTIFICATES. (1) The board shall  
4 issue a license upon payment of the fee as provided for in this chapter to  
5 any applicant who, in the opinion of the board, has satisfactorily met all  
6 of the requirements of this chapter for licensure as a professional engineer  
7 or professional land surveyor, and a certificate shall be issued to those  
8 who qualify as an engineer intern or a land surveyor intern. In the case of  
9 a professional engineer, the license shall authorize the practice of "pro-  
10 fessional engineering," and in the case of a professional land surveyor, the  
11 license shall authorize the practice of "professional land surveying." Li-  
12 censes shall show the full name of the licensee, shall give a license number,  
13 and shall be signed by the chairman and the secretary of the board under seal  
14 of the board.

15 (2) The issuance of a license by the board shall be prima facie evidence  
16 that the person named therein is entitled to all the rights, privileges and  
17 responsibilities of a licensed professional engineer or of a licensed pro-  
18 fessional land surveyor, provided that said license has not expired or has  
19 not been retired, suspended, or revoked.

20 (3) Except for engineering faculty holding a restricted license pur-  
21 suant to section 54-1214(5), Idaho Code, each licensee hereunder shall, upon  
22 licensure, obtain a seal, the use and design of which are described below in  
23 this section. It shall be unlawful for any person to affix or to permit his  
24 seal and signature to be affixed to any documents after the license of the  
25 licensee named thereon has expired or has been retired, suspended, or re-  
26 voked, unless said license shall have been renewed, reinstated, or reissued,  
27 or for the purpose of aiding or abetting any other person to evade or attempt  
28 to evade any portion of this chapter.

29 (a) The seal may be a rubber stamp, crimp or electronically generated  
30 image. Whenever the seal is applied, the licensee's signature and date  
31 shall also be included. ~~If the signature is handwritten, it shall be ad-~~  
32 ~~ja-cent to or across the seal. No further words or wording is required.~~  
33 ~~A facsimile signature generated by any method will not be acceptable un-~~  
34 ~~less accompanied by a digital signature.~~

35 (b) The seal, signature and date shall be placed on all final speci-  
36 fications, land surveys, reports, plats, drawings, plans, design in-  
37 formation and calculations whenever presented to a client or any pub-  
38 lic or governmental agency. Any such document presented to a client or  
39 public or governmental agency that is not final and does not contain a  
40 seal, signature and date shall be clearly marked as "draft," "not for  
41 construction" or with similar words to distinguish the document from a  
42 final document. In the event the final work product is preliminary in  
43 nature or contains the word "preliminary," such as a "preliminary en-  
44 gineering report," the final work product shall be sealed, signed and  
45 dated as a final document if the document is intended to be relied upon  
46 to make policy decisions important to the life, health, property, or  
47 fiscal interest of the public.

48 (c) The seal and signature of the licensee and date shall be placed on  
49 all original documents in such a manner that such seal, signature and

1 date are reproduced when the original document is copied. The applica-  
 2 tion of the licensee's seal and signature and the date shall constitute  
 3 certification that the work thereon was done by him or under his respon-  
 4 sible charge. Each plan or drawing sheet shall be sealed and signed and  
 5 dated by the licensee or licensees responsible for each sheet. In the  
 6 case of a business entity, each plan or drawing sheet shall be sealed and  
 7 signed and dated by the licensee or licensees involved. Copies of elec-  
 8 tronically produced documents, listed in paragraph (b) of this subsec-  
 9 tion, distributed for informational uses such as for bidding purposes  
 10 or working copies, may be issued with the licensee's seal and a notice  
 11 that the original document is on file with the licensee's signature and  
 12 the date. The words "Original Signed By:" and "Date Original Signed:"  
 13 shall be placed adjacent to or across the seal on the electronic origi-  
 14 nal. The storage location of the original document shall also be pro-  
 15 vided. Only the title page of reports, specifications and like docu-  
 16 ments need bear the seal and signature of the licensee and the date.

17 (d) The seal and signature shall be used by licensees only when the work  
 18 being stamped was under the licensee's responsible charge.

19 (e) The design of the seal shall be as determined by the board.

20 (4) The board shall issue to any applicant who, in the opinion of the  
 21 board, has met the requirements of this chapter a certificate as an engineer  
 22 intern or land surveyor intern. The engineer intern or land surveyor intern  
 23 certificate does not authorize the certificate holder to practice as a pro-  
 24 fessional engineer or a professional land surveyor.

25 SECTION 6. That Section 55-1603, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 55-1603. DEFINITIONS. Except where the context indicates a different  
 28 meaning, terms used in this chapter shall be defined as follows:

29 (1) "Accessory to a corner" means any exclusively identifiable phys-  
 30 ical object whose spatial relationship to the corner is recorded. Acces-  
 31 sories may be bearing trees, bearing objects, monuments, reference points,  
 32 line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes,  
 33 or other objects.

34 (2) "Benchmark" means a material object, natural or artificial, whose  
 35 elevation is referenced to an adopted datum.

36 (3) "Board" means the board of licensure of professional engineers and  
 37 professional land surveyors.

38 (4) "Control survey" means a survey that provides horizontal or verti-  
 39 cal position data for the support or control of subordinate surveys or for  
 40 mapping.

41 (5) "Corner," unless otherwise defined, means a property corner, or a  
 42 property controlling corner, or a public land survey corner, or any combina-  
 43 tion of these.

44 (6) "Establish" means to determine the position of a corner either  
 45 physically or mathematically.

46 (7) "Monument" means a physical structure ~~that occupies the exact posi-~~  
 47 tion of a corner intended to mark, reference, or witness a line, corner, or  
 48 position.

1 (8) "Professional land surveyor" means any person who is authorized by  
2 the laws of this state to practice land surveying.

3 (9) "Property controlling corner" for a property means a public land  
4 survey corner, property corner, reference point or witness corner that con-  
5 trols the location of one (1) or more of the property corners of the property  
6 in question.

7 (10) "Property corner" means a geographic point on the surface of the  
8 earth and is on, a part of, and controls a property line.

9 (11) "Public land survey corner" means any point actually established  
10 and monumented in an original survey or resurvey that determines the bound-  
11 aries of remaining public lands, or public lands patented, represented on  
12 an official plat and in the field notes thereof, accepted and approved un-  
13 der authority delegated by congress to the U.S. general land office (GLO)  
14 and the U.S. department of interior, bureau of land management. This ex-  
15 cludes GLO-surveyed townsite lot corners, except those marking exterior an-  
16 gle points or block corners within the townsite.

17 (12) "Reference point" means a special monumented point that does not  
18 occupy the same geographical position as the corner itself, and where the  
19 spatial relationship to the corner is recorded, and which serves to locate  
20 the corner.

21 (13) "Witness corner" means a monumented point on a lot line or boundary  
22 line of a survey, near a corner, and established in situations where it is  
23 impracticable to occupy or monument the corner.

24 SECTION 7. That Section 55-1604, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 55-1604. FILING REQUIREMENTS. A professional land surveyor shall  
27 complete, sign, and file with the county clerk and recorder of the county  
28 where the corner is situated a written record of the establishment, reestab-  
29 lishment, or rehabilitation of a corner monument and its accessories. This  
30 record shall be known as a "corner record" and such a filing shall be made for  
31 every public land survey corner, center one-quarter (1/4) corner, corners  
32 used as ties as described in section 50-1304(2)(g) or 55-1906(5), Idaho  
33 Code, and accessory to such corner which is established, reestablished, mon-  
34 umented, remonumented, rehabilitated, perpetuated or used as control in any  
35 survey. The survey information shall be filed within ninety (90) days after  
36 the survey is completed, unless the corner and its accessories are substan-  
37 tially as described in an existing corner record filed in accordance with the  
38 provisions of this chapter.

39 In lieu of filing as heretofore provided, corner records may be recorded  
40 electronically in those counties that have such facilities.

41 SECTION 8. That Section 55-1902, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 55-1902. DEFINITIONS. As used in this chapter:

44 (1) "Basis of bearing" means the bearing in degrees, minutes and sec-  
45 onds, or equivalent, of a line between two (2) monuments or two (2) monu-  
46 mented corners that serves as the reference bearing for all other lines on  
47 the survey. A description of the bearing system used to include a complete

1 citation of the datum, epoch, and name of the published projection must be  
 2 shown on the survey. If a custom projection is used, the datum, epoch, and  
 3 defining parameters of the projection sufficient to replicate the bearing  
 4 system shall also be shown on the survey. For surveys where the bearing sys-  
 5 tem is shown in accordance with this subsection, the convergence angle com-  
 6 puted at a minimum of one monument on the survey must be shown.

7 (2) "Corner," unless otherwise defined, means a property corner, or a  
 8 property controlling corner, or a public land survey corner, or any combina-  
 9 tion of these.

10 (3) "GPS" is the abbreviation for global positioning system, which is  
 11 satellite surveying based on observations of the electromagnetic signals  
 12 broadcast from the U.S. department of defense's NAVSTAR GPS system.

13 (4) "Idaho coordinate system" ~~shall~~ means that system of plane coordi-  
 14 nates as established and designated by chapter 17, title 55, Idaho Code.

15 (5) "Land survey" means measuring the field location of corners that:

16 (a) Determine the boundary or boundaries common to two (2) or more own-  
 17 erships;

18 (b) Retrace or establish land boundaries;

19 (c) Retrace or establish boundary lines of public roads, streets, al-  
 20 leys or trails; or

21 (d) Plat lands and subdivisions thereof.

22 (6) "Monument" ~~is~~ means a physical structure or object ~~that occupies~~  
 23 ~~the exact position of a corner~~ intended to mark, reference, or witness a  
 24 line, corner, or position.

25 (7) "Property controlling corner" ~~for a property is~~ means a public land  
 26 survey corner, property corner, reference point or witness corner that con-  
 27 trols the location of one (1) or more of the property corners of the property  
 28 in question.

29 (8) "Property corner" ~~is~~ means a geographic point on the surface of the  
 30 earth and is on, a part of, and controls a property.

31 (9) "Public land survey corner" ~~is~~ means any point actually established  
 32 and monumented in an original survey or resurvey that determines the bound-  
 33 aries of remaining public lands, or public lands patented, represented on an  
 34 official plat and in the field notes thereof, accepted and approved under au-  
 35 thority delegated by congress to the U.S. general land office and the U.S.  
 36 department of the interior, bureau of land management.

37 (10) "Reference point" means a special monumented point that does not  
 38 occupy the same geographical position as the corner itself, and, where the  
 39 spatial relationship to the corner is known and recorded, ~~and~~ that serves to  
 40 locate the corner.

41 (11) "Surveyor" ~~shall~~ means every person authorized by the state of  
 42 Idaho to practice the profession of land surveying.

43 SECTION 9. That Section 55-1906, Idaho Code, be, and the same is hereby  
 44 amended to read as follows:

45 55-1906. RECORDS OF SURVEY -- CONTENTS. The records of survey shall,  
 46 at a minimum, show:

47 (1) All monuments found or set or reset or replaced, or removed, de-  
 48 scribing their kind, size, location using bearings and distances, and giving  
 49 other data relating thereto;

1 (2) Evidence of compliance with chapter 16, title 55, Idaho Code, in-  
 2 cluding instrument numbers of the most current corner records related to the  
 3 survey being submitted and instrument numbers of corner records of corners  
 4 which are set in conjunction with the survey being submitted; basis of bear-  
 5 ings, bearing and length of lines, graphic scale of map, and north arrow;

6 (3) Section, or part of section, township and range in which the survey  
 7 is located and reference to surveys of record within or crossing or adjoining  
 8 the survey;

9 (4) Certificate of survey;

10 (5) Ties to at least two (2) ~~public land survey corner monuments of~~  
 11 ~~record in one (1) or more of the sections containing the record of survey or,~~  
 12 ~~in lieu of public land survey corners, to two (2) corners of records recog-~~  
 13 ~~nized by the county surveyor.~~ monuments from the following list:

14 (a) Public land survey corners;

15 (b) Center of section, quarter section corners, or sixteenth section  
 16 corners, any of which were not monumented in an original survey of the  
 17 United States, provided such corners have a corner record meeting the  
 18 current requirements of chapter 16, title 55, Idaho Code; or

19 (c) Monuments recognized by the county surveyor.

20 Additionally, if required by the city or county governing bodies, the record  
 21 shall provide coordinates based on the Idaho coordinate system.

22 ~~Records of survey which are~~ within previously platted subdivisions of  
 23 record need not be tied to public land survey corner monuments; and

24 (6) Surveyor's narrative. The narrative must explain:

25 (a) The purpose of the survey and how the boundary lines and other lines  
 26 were established or reestablished and the reasoning behind the deci-  
 27 sions;

28 (b) Which deed records, deed elements, survey records, found survey  
 29 monuments, plat records, road records, or other pertinent data were  
 30 controlling when establishing or reestablishing the lines; and

31 (c) For surveys that contain a vertical component, the narrative  
 32 shall show the benchmarks used, the vertical datum referenced, and the  
 33 methodology used to achieve the elevations.

34 SECTION 10. An emergency existing therefor, which emergency is hereby  
 35 declared to exist, this act shall be in full force and effect on and after  
 36 July 1, 2022.