

IN THE SENATE

SENATE BILL NO. 1063

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO LAND SURVEYING; AMENDING SECTION 54-1202, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 54-1227, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CODE REFERENCE.

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

SECTION 1. That Section 54-1202, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) "Authoritative" means certified by a professional land surveyor in accordance with established principles of professional land surveying when used to describe products, processes, applications or data resulting from the practice of professional land surveying.

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

(23) "Board" means the Idaho board of licensure of professional engineers and professional land surveyors, hereinafter provided by this chapter.

(34) "Business entity" means a corporation, professional corporation, limited liability company, professional limited liability company, general partnership, limited partnership, limited liability partnership, professional limited liability partnership or any other form of business except a sole proprietorship.

(45) "Consulting engineer" means a professional engineer whose principal occupation is the independent practice of professional engineering; whose livelihood is obtained by offering engineering services to the public; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of his public and legal responsibilities, and is capable of discharging them.

(56) "Engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education and engineering experience.

(67) "Engineer intern" means a person who has qualified for, taken and passed an examination in the fundamentals of engineering subjects as provided in this chapter.

~~(7) "Land survey" means measuring the field location of corners that:~~

~~(a) Determine the boundary or boundaries common to two (2) or more owners;~~

~~(b) Retrace or establish land boundaries;~~

~~(c) Retrace or establish boundary lines of public roads, streets, alleys or trails; or~~

1 ~~(d) Plat lands and subdivisions thereof.~~

2 (8) "Land surveyor intern" means a person who has qualified for, taken
3 and passed an examination in the fundamentals of surveying subjects as pro-
4 vided in this chapter.

5 (9) "Professional engineer" means a person who has been duly licensed
6 as a professional engineer by the board under this chapter.

7 (10) "Professional engineering" and "practice of professional engi-
8 neering" mean any service or creative work offered to or performed for the
9 public for any project physically located in this state, such as consulta-
10 tion, investigation, evaluation, planning, designing, design coordination,
11 teaching upper division engineering design subjects, and responsible charge
12 of observation of construction in connection with any public or private
13 utilities, structures, buildings, machines, equipment, processes, works or
14 projects or to certify elevation information, wherein the public welfare or
15 the safeguarding of life, health, or property is concerned or involved, when
16 such service requires the application of engineering principles and data.
17 A person shall be construed to practice or offer to practice professional
18 engineering within the meaning and intent of this chapter who practices or
19 offers to practice any of the branches of the profession of engineering for
20 the public for any project physically located in this state or who, by verbal
21 claim, sign, advertisement, letterhead, card, or in any other way represents
22 himself to be a professional engineer or through the use of some other title
23 implies that he is a professional engineer or that he is licensed under this
24 chapter, or holds himself out as able to perform or who does perform for the
25 public for any project physically located in this state, any engineering
26 service or work or any other service designated by the practitioner which is
27 the practice of professional engineering.

28 (11) (a) "Professional land surveying" and "practice of professional
29 land surveying" mean responsible charge of authoritative land sur-
30 veying to determine the correct boundary description, to establish or
31 reestablish land boundaries, to plat lands and subdivisions thereof or
32 to certify elevation information services using sciences such as mathe-
33 matics, geodesy and photogrammetry and involving:

34 (i) The making of geometric measurements and gathering related
35 information pertaining to the physical or legal features of the
36 earth, improvement on the earth, and the space above, on or below
37 the earth; and

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

- 44 1. Determining by measurement the configuration or contour
45 of the earth's surface or the position of any fixed objects;
- 46 2. Performing geodetic surveys to determine the size and
47 shape of the earth or the position of any point on the earth;
- 48 3. Locating, relocating, establishing, reestablishing or
49 retracing property lines or boundaries of any tract of land,
50 road, right-of-way, easement or real property lease;

1 4. Making any survey for a division or subdivision or a con-
2 solidation of any tracts of land;

3 5. Locating or laying out of alignments, positions or eleva-
4 tions in the field for the construction of fixed works;

5 6. Determining, by the use of principles of surveying, the
6 position for any boundary or nonboundary survey monument or
7 reference point or for establishing or replacing any such
8 monument or reference point;

9 7. Certifying elevation information;

10 8. Preparing narrative land descriptions; or

11 9. Creating, preparing or modifying electronic or other
12 data necessary for the performance of activities in subpara-
13 graphs 1. through 8. of this paragraph.

14 (b) "Professional land surveying" and "practice of professional land
15 surveying" shall not mean:

16 (i) Mapping or geographic information system work that is for
17 nonauthoritative boundaries and nonauthoritative elevations;

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

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

24 Any person shall be construed to practice or offer to practice professional
25 land surveying who engages in professional land surveying, or who, by ver-
26 bal claim, sign, advertisement, letterhead, card, or in any other way rep-
27 represents himself to be a professional land surveyor, or who represents him-
28 self as able to perform or who does perform any professional land surveying
29 service or work or any other service designated by the practitioner which is
30 professional land surveying.

31 (12) "Professional land surveyor" means a person who is qualified by
32 reason of his knowledge of the principles of land surveying acquired by ed-
33 ucation and practical experience to engage in the practice of professional
34 land surveying and who has been duly licensed as a professional land surveyor
35 by the board under this chapter.

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

38 (14) "Responsible charge" means the control and direction of engineer-
39 ing work, or the control and direction of land surveying work, requiring ini-
40 tiative, professional skill, independent judgment and professional knowl-
41 edge of the content of relevant documents during their preparation. Except
42 as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and
43 correcting, documents after they have been prepared by others does not con-
44 stitute the exercise of responsible charge.

45 (15) "Rules of professional responsibility" means those rules, if any,
46 promulgated by the board, as authorized by the Idaho Code.

47 (16) "Signature" means either: an original handwritten message identi-
48 fication containing the name of the person who applied it; or a digital sig-
49 nature which is an electronic authentication process attached to or logi-
50 cally associated with an electronic document. The digital signature must be

1 unique to the person using it; must be capable of verification; must be un-
2 der the sole control of the person using it; and must be linked to a document
3 in such a manner that the digital signature is invalidated if any data in the
4 document is changed.

5 (17) "Standard design plan" means a building, structure, equipment or
6 facility which is intended to be constructed or sited at multiple locations
7 and for which some or all of the plans must be prepared by a professional en-
8 gineer.

9 SECTION 2. That Section 54-1227, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SURVEY-
12 ORS AND PROFESSIONAL ENGINEERS. Every licensed professional land surveyor
13 is hereby authorized to make land surveys and it shall be the duty of each
14 licensed professional land surveyor, whenever making any ~~such professional~~
15 boundary land survey as defined in section 54-1202, Idaho Code, that is
16 not preliminary in nature, to set permanent and reliable magnetically de-
17 tectable monuments at all unmonumented corners field located, the minimum
18 size of which shall be one-half (1/2) inch in least dimension and two (2) feet
19 long iron or steel rod unless special circumstances preclude use of such mon-
20 ument; and such monuments must be permanently marked with the license number
21 of the professional land surveyor responsible for placing the monument.
22 Professional engineers qualified and duly licensed pursuant to this chapter
23 may also perform those nonboundary surveys necessary and incidental to the
24 work customarily performed by them.