

IN THE SENATE

SENATE BILL NO. 1079

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 50-1304, IDAHO CODE,  
2 TO REVISE THE REQUIRED FORM OF A PLAT OFFERED FOR RECORD AND TO PROVIDE  
3 FOR NEW REQUIREMENTS ON WHAT SHALL BE DISPLAYED ON A PLAT; AMENDING  
4 SECTION 50-1310, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PRO-  
5 VIDE A CODE REFERENCE; AMENDING SECTION 54-1212, IDAHO CODE, TO REVISE  
6 TERMINOLOGY RELATING TO CERTIFICATION AS AN INTERN AND ASSIGNMENT TO  
7 PROFESSIONAL EXAMINATIONS AND TO REVISE THE QUALIFICATIONS FOR CERTI-  
8 FICATION AS AN ENGINEER INTERN OR LAND SURVEY INTERN; AMENDING SECTION  
9 54-1214, IDAHO CODE, TO CLARIFY LANGUAGE RELATING TO FAILURE OF ALL  
10 OR PART OF AN EXAMINATION; AMENDING SECTION 54-1234, IDAHO CODE, TO  
11 CLARIFY LANGUAGE RELATING TO THE DEFACING OF MONUMENTATION; AMENDING  
12 SECTION 55-1905, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE A  
13 CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION  
14 55-1906, IDAHO CODE, TO REVISE LANGUAGE RELATING TO REQUIRED CONTENT  
15 FOR A RECORD OF SURVEY.  
16

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

18 SECTION 1. That Section 50-1304, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 50-1304. ESSENTIALS OF PLATS. (1) All plats offered for record in any  
21 county shall be prepared in black opaque image upon stable base drafting film  
22 with a minimum base thickness of 0.003 inches, ~~by either~~. The image thereon  
23 shall be by a photographic process using a silver image emulsion or by use of  
24 a or a process by which a copy is produced using an ink jet or digital scan-  
25 ning and reproduction machine with black opaque drafting film ink, by me-  
26 chanical or handwritten means or fused toner that will ensure archival per-  
27 manence. The drafting film copy and image thereon shall be waterproof, tear  
28 resistant, flexible, and capable of withstanding repeated handling, as well  
29 as providing archival permanence. If ink or toner is used on drafting film,  
30 the ink surface shall be coated with a suitable substance, if required by the  
31 county where the plat is to be recorded, to assure permanent legibility. The  
32 drafting film must be of a type which can be reproduced by either a photo-  
33 graphic or diazo process. Plats shall be eighteen (18) inches by twenty-  
34 seven (27) inches in size, with a three and one-half (3 1/2) inch margin at  
35 the left end for binding and a one-half (1/2) inch margin on all other edges.  
36 No part of the drawing or certificates shall encroach upon the margins. Sig-  
37 natures shall be in reproducible black ink. The sheet or sheets which con-  
38 tain the drawing or diagram representing the survey of the subdivision shall  
39 be drawn at a scale suitable to ensure the clarity of all lines, bearings  
40 and dimensions. In the event that any subdivision is of such magnitude that  
41 the drawing or diagram cannot be placed on a single sheet, serially numbered  
42 sheets shall be prepared and match lines shall be indicated on the drawing or

1 diagram with appropriate references to other sheets. The required dedica-  
 2 tions, acknowledgments and certifications shall appear on any of the seri-  
 3 ally numbered sheets.

4 (2) The plat shall show: (a) the streets and alleys, with widths and  
 5 courses clearly shown; (b) each street named; (c) all lots numbered consec-  
 6 utively in each block, and each block lettered or numbered, provided however,  
 7 in a platted cemetery, that each block, section, district or division and  
 8 each burial lot shall be designated by number or letter or name; (d) each and  
 9 all lengths of the boundaries of each lot shall be shown, provided however,  
 10 in a platted cemetery, that lengths of the boundaries of each burial lot may  
 11 be shown by appropriate legend; (e) the exterior boundaries shown by dis-  
 12 tance and bearing; (f) descriptions of survey monuments; (g) point of begin-  
 13 ning with ties to at least two (2) public land survey corner monuments in one  
 14 (1) or more of the sections containing the subdivision, or in lieu of public  
 15 land survey corner monuments, to two (2) monuments recognized by the county  
 16 surveyor; and also, if required by the city or county governing bodies, give  
 17 coordinates based on the Idaho coordinate system; (h) the easements; (i) ba-  
 18 sis of bearings, bearing and length of lines, graphic scale of plat and north  
 19 arrow; and (j) subdivision name.

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

25 SECTION 2. That Section 50-1310, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 50-1310. FILING AND RECORDING -- RECORD OF PLATS -- FILING OF COPY. (1)  
 28 All approved plats of subdivisions shall, upon the payment of the required  
 29 fees, be filed by the county clerk or county recorder, and such filing with  
 30 the date thereof shall be endorsed thereon. The plat or opaque copy thereof  
 31 shall then be bound or filed with other plats of like character in a proper  
 32 book or file designated as "Records of Plats."

33 (2) At the time of filing such plat, the owner or his representa-  
 34 tive shall also file with the county clerk or county recorder one (1) copy  
 35 thereof. ~~The copy shall be upon stable base drafting film with a minimum~~  
 36 ~~base thickness of 0.003 inches. The image thereon shall be by a photographic~~  
 37 ~~process using a silver image emulsion, or a process by which a copy is pro-~~  
 38 ~~duced using a copy machine or by digital scanning and reproduction using~~  
 39 ~~black opaque drafting film ink. If a copy machine or ink is used, the surface~~  
 40 ~~shall be coated with a suitable substance to assure permanent legibility.~~  
 41 ~~The copy and image thereon shall be waterproof, tear-resistant, flexible,~~  
 42 ~~and capable of withstanding repeated handling, as well as providing archival~~  
 43 ~~permanence~~ The plat media and copy process shall be as provided in section  
 44 50-1304, Idaho Code. The original plat shall be stored for safekeeping in a  
 45 reproducible condition by the county. It shall be proper for the recorder  
 46 to maintain for public reference a set of counter maps that are prints of  
 47 the original maps. The original maps shall be produced for comparison upon  
 48 demand. Full scale copies thereof shall be made available to the public, at  
 49 the cost allowed in section 31-3205, Idaho Code, by the county recorder.

1 SECTION 3. That Section 54-1212, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as  
4 herein otherwise expressly provided, no license as a professional engineer  
5 or professional land surveyor, or certification as an engineer intern or  
6 land surveyor intern, shall be issued until an applicant has successfully  
7 passed an examination given by or under the supervision of the board, nor  
8 shall a license as a professional engineer or professional land surveyor,  
9 or certification as an engineer intern or land surveyor intern, be issued  
10 to an applicant having habits or character that would justify revocation or  
11 suspension of his license or certificate, as provided in section 54-1220,  
12 Idaho Code. Except for military personnel stationed in the state of Idaho  
13 on military orders and except for persons employed full-time in the state  
14 of Idaho, only residents of the state of Idaho and students enrolled at an  
15 Idaho university or college may qualify for assignment to examinations for  
16 initial ~~certification or licensure~~. The following shall be considered as  
17 minimum evidence satisfactory to the board that the applicant is qualified  
18 for certification as an intern or assignment to a professional engineering  
19 or professional land surveying examination:

20 (1) As a professional engineer:

21 (a) Graduation from an approved engineering program of four (4) years  
22 or more in a school or college approved by the board as being of satis-  
23 factory standing, passage of an examination on the fundamentals of en-  
24 gineering acceptable to the board, and a specific record, after gradua-  
25 tion, of an additional four (4) years or more of progressive experience  
26 in engineering work of a grade and character satisfactory to the board,  
27 and indicating that the applicant is competent to practice professional  
28 engineering; or

29 (b) Graduation with a bachelor's degree in a related science from a  
30 school or college approved by the board, and evidence satisfactory to  
31 the board that the applicant possesses knowledge and skill approxi-  
32 mating that attained through graduation from an approved four (4) year  
33 engineering program, passage of an examination on the fundamentals  
34 of engineering acceptable to the board, and a specific record, after  
35 graduation, of four (4) years or more of progressive experience in en-  
36 gineering work of a grade and character satisfactory to the board and  
37 indicating that the applicant is competent to practice professional  
38 engineering.

39 (2) As a professional land surveyor:

40 (a) Graduation from an approved surveying program of four (4) years or  
41 more in a school or college approved by the board as being of satisfac-  
42 tory standing, passage of an examination on the fundamentals of survey-  
43 ing acceptable to the board, and a specific record of an additional four  
44 (4) years or more of progressive combined office and field experience in  
45 land surveying work of a grade and character satisfactory to the board  
46 and indicating that the applicant is competent to practice professional  
47 land surveying; or

48 (b) Graduation with a bachelor's degree in a related science from  
49 a school or college approved by the board as being of satisfactory

standing, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program, passage of an examination on the fundamentals of surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer intern:

(a) ~~Graduation from or in the last two (2) semesters~~ Passage of an examination on the fundamentals of engineering and graduation from an approved engineering program of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer intern;  
~~or~~

(b) Passage of an examination on the fundamentals of engineering and graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program, and indicating that the applicant is competent to be enrolled as an engineer intern; ~~or~~

(c) Passage of an examination on the fundamentals of engineering and graduation with an engineering master's or doctoral degree approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program, and indicating that the applicant is competent to be enrolled as an engineer intern.

(d) ~~In the event the applicant qualifies for assignment to~~ passes the examination during the last two (2) semesters of college prior to graduation under the provisions of section 54-1212(3) paragraph (a), (b) or (c) of this subsection, Idaho Code, and a passing grade is attained, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor intern:

(a) ~~Graduation from, or in the last two (2) semesters of,~~ Passage of an examination on the fundamentals of surveying and graduation from an approved surveying program of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor intern; or

(b) ~~Graduation~~ Passage of an examination on the fundamentals of surveying and graduation with a bachelor's degree in a related science from a school or college approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program, and indicating that the applicant is competent to be enrolled as a land surveyor intern.

(c) ~~In the event the applicant qualifies for assignment to~~ passes the examination during the last two (2) semesters of prior to graduation from college under the provisions of subsection (4) paragraph (a) or (b)

1 of this subsection, ~~and attains a passing grade,~~ a certificate shall be  
2 issued only after the applicant graduates.

3 In counting years of experience for assignment to the professional en-  
4 gineer or professional land surveyor examination, the board may, at its dis-  
5 cretion, give credit, not in excess of one (1) year, for satisfactory gradu-  
6 ate study toward a master's degree and not in excess of an additional one (1)  
7 year for satisfactory graduate study toward a doctorate degree. In the event  
8 an applicant obtains a doctorate degree without first obtaining a master's  
9 degree, the board may, at its discretion, give credit, not in excess of two  
10 (2) years.

11 In considering the combined education and experience qualifications of  
12 applicants, the board shall consider engineering teaching, land surveying  
13 teaching, each year of satisfactory completion of undergraduate college  
14 education, advanced degrees in engineering and advanced degrees in land  
15 surveying in establishing the applicants' minimum composite knowledge and  
16 skill.

17 The mere execution, as a contractor, of work designed by a professional  
18 engineer, or the supervision of the construction of such work as a foreman or  
19 superintendent, shall not be deemed to be the practice of engineering, but  
20 if such experience, in the opinion of the board, has involved responsible su-  
21 pervision of a character that will tend to expand the engineering knowledge  
22 and skill of the applicant the board may in its discretion give such credit  
23 therefor as it may deem proper.

24 Any person having the necessary qualifications prescribed in this chap-  
25 ter to entitle him to assignment to an examination for licensure or certifi-  
26 cation shall be eligible for such assignment although he may not be practic-  
27 ing his profession at the time of making his application.

28 The board may postpone acting on an application for assignment to any  
29 examination if disciplinary or criminal action related to the applicant's  
30 practice has been taken or is pending in any other jurisdiction. The board  
31 may postpone the release of scores to applicants on any examination if there  
32 is any unresolved examination irregularity involving the applicant. The  
33 board may investigate and adjudicate the validity of examination irregular-  
34 ities and if the examination irregularities are substantiated, the board may  
35 invalidate the score of the applicant.

36 SECTION 4. That Section 54-1214, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 54-1214. EXAMINATIONS. (1) Examinations will be held at such times and  
39 places as the board directs. The board shall determine the acceptable grade  
40 on examinations.

41 (2) Written examinations may be taken only after the applicant has met  
42 the other minimum requirements as given in section 54-1212, Idaho Code, and  
43 has been approved by the board for admission to the examinations as follows:

44 (a) Fundamentals of Engineering -- The examination consists of a test  
45 on the fundamentals of engineering acceptable to the board. Passing  
46 this examination qualifies the examinee for an engineer intern cer-  
47 tificate, provided he has met all other requirements of certification  
48 required by this chapter.

1 (b) Principles and Practice of Engineering -- The examination consists  
2 of a test on applied engineering acceptable to the board. Passing this  
3 examination qualifies the examinee for licensure as a professional  
4 engineer, provided he has met the other requirements for licensure re-  
5 quired by this chapter.

6 (c) Fundamentals of Surveying -- The examination consists of a test on  
7 the fundamentals of surveying acceptable to the board. Passing this  
8 examination qualifies the examinee for a land surveyor intern cer-  
9 tificate, provided he has met all other requirements for certification  
10 required by this chapter.

11 (d) Principles and Practice of Surveying -- The examination consists of  
12 a test on applied surveying acceptable to the board. Passing this ex-  
13 amination qualifies the examinee for licensure as a professional land  
14 surveyor, provided he has met the other requirements for licensure re-  
15 quired by this chapter.

16 (3) A candidate failing all or part of an professional engineering or  
17 professional land surveying examination for the first time may apply for re-  
18 examination, which may be granted upon payment of an application fee equal to  
19 the application fee for the required examination plus a separate examination  
20 fee paid by the applicant directly to the entity designated by the board. In  
21 the event of a second failure, the examinee shall be required to obtain a min-  
22 imum of one (1) additional year of experience, acceptable to the board, from  
23 the date of the second examination failure, and submit evidence of having  
24 completed an additional eight (8) semester credits of college level academic  
25 education relating to the examination, before the board will consider that  
26 he has acquired the necessary additional knowledge to warrant assignment to  
27 a third examination. The separate application and examination fees shall be  
28 as set forth herein. In the event of a third or subsequent failure, the ex-  
29 aminee shall be required to obtain a minimum of three (3) additional years of  
30 experience, acceptable to the board, from the date of the third or subsequent  
31 examination failure, and submit evidence of having completed an additional  
32 twelve (12) semester credits of college level academic education relating  
33 to the examination, before the board will consider that he has acquired the  
34 necessary additional knowledge to warrant assignment to a subsequent exami-  
35 nation. The separate application and examination fees shall be as set forth  
36 herein.

37 (4) The board may prepare and adopt specifications for the written ex-  
38 aminations in engineering and land surveying.

39 SECTION 5. That Section 54-1234, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

41 54-1234. MONUMENTATION -- PENALTY AND LIABILITY FOR DEFACING. If any  
42 person shall willfully deface, injure or remove any signal, monument or  
43 other object set as a permanent boundary survey marker, benchmark or point  
44 set in control surveys by agencies of the United States government or the  
45 state of Idaho or set by a professional land surveyor or an agent of the  
46 United States government or the state of Idaho, he shall forfeit a sum not  
47 exceeding one thousand five hundred dollars (\$1,500) for each offense, and  
48 shall be liable for damages sustained by the affected parties in consequence

1 of such defacing, injury or removal, to be recovered in a civil action in any  
2 court of competent jurisdiction.

3 SECTION 6. That Section 55-1905, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 55-1905. RECORDS OF SURVEY -- FILING. The records of survey to be filed  
6 under authority of this chapter shall be processed as follows:

7 (1) The record of survey shall be a map, ~~prepared in black opaque image~~  
8 ~~upon stable base drafting film with a minimum base thickness of .003 inches~~  
9 ~~by either a photographic process using a silver image emulsion or by use of~~  
10 ~~black opaque drafting film ink, by mechanical or handwritten means.~~ The  
11 drafting film and image thereon shall be waterproof, tear resistant, flex-  
12 ible and capable of withstanding repeated handling, as well as providing  
13 archival permanence. ~~If ink is used on drafting film, the ink surface shall~~  
14 ~~be coated with a suitable substance to assure permanent legibility.~~ The  
15 ~~drafting film must be of a type which can be reproduced by either a photo-~~  
16 ~~graphic or diazo process using the same media and copy process as provided~~  
17 in section 50-1304, Idaho Code. The map shall be eighteen (18) inches by  
18 twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch  
19 margin at the left end for binding, and a one-half (1/2) inch margin on all  
20 other edges. No part of the drawing or certificates shall encroach upon the  
21 margins. Signatures shall be in reproducible black ink. The sheet or sheets  
22 which contain the drawing or diagram representing the survey shall be drawn  
23 at a scale suitable to ~~insure~~ ensure the clarity of all lines, bearings and  
24 dimensions. In the event that any survey is of such magnitude that the draw-  
25 ing or diagram cannot be placed on a single sheet, serially numbered sheets  
26 shall be prepared and match lines shall be indicated on the drawing or dia-  
27 gram with appropriate references to other sheets.

28 (2) The original transparency and one (1) legible print of each record  
29 of survey shall be furnished to the county recorder in the county or counties  
30 in which the survey is to be recorded.

31 SECTION 7. That Section 55-1906, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 55-1906. RECORDS OF SURVEY -- CONTENTS. The records of survey shall  
34 show:

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

38 (2) Evidence of compliance with chapter 16, title 55, Idaho Code, in-  
39 cluding instrument numbers of ~~any~~ the most current corner records ~~which~~  
40 ~~have been recorded previously related to the survey being submitted~~ and  
41 instrument numbers of corner records of any corners which are set in conjunc-  
42 tion with the survey being submitted; basis of bearings, bearing and length  
43 of lines, graphic scale of map, and north arrow;

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

47 (4) Certificate of survey;

1           (5) Ties to at least two (2) public land survey corner monuments of  
2 record in one (1) or more of the sections containing the record of survey, or  
3 in lieu of public land survey corners, to two (2) corners of records recog-  
4 nized by the county surveyor. Records of survey which are within previously  
5 platted subdivisions of record need not be tied to public land survey corner  
6 monuments.