

SENATE BILL 410

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2000 Regular Session
0lr1558
CF 0lr2410

By: **Senator Sfikas**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Land Surveyors - Right of Entry**

3 FOR the purpose of authorizing certain surveyors to enter onto certain lands or
4 waters in the State for the purpose of conducting a land survey or a property line
5 survey; requiring that the vehicle or vessel used by certain surveyors when
6 entering onto certain lands or waters for the purpose of conducting a land
7 survey or property line survey shall conspicuously display an exterior sign that
8 contains certain identifying information; providing that certain surveyors forfeit
9 any claim for damage or injury to their person or property while on the lands or
10 waters of another, unless the damage or injury is caused by the intentional
11 tortious conduct of another; providing that certain surveyors are only liable for
12 actual damage to crops or other property or for actual damages caused by the
13 negligence of the surveyor during entry onto the lands or waters of another;
14 defining a certain term; and generally relating to the right of entry of surveyors.

15 BY adding to
16 Article - Business Occupations and Professions
17 Section 15-503
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1999 Supplement)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 5-427
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 1999 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Occupations and Professions**

2 15-503.

3 (A) FOR THE PURPOSE OF THIS SECTION, "SURVEYOR" MEANS:

4 (1) A PERSON EMPLOYED BY THE GOVERNMENT OF THE UNITED STATES
5 OF AMERICA OR THE STATE FOR THE PURPOSE OF CONDUCTING LAND SURVEYS;

6 (2) A PROFESSIONAL LAND SURVEYOR OR LICENSED PROPERTY LINE
7 SURVEYOR;

8 (3) A PERSON WHO:

9 (I) IS UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS A
10 SURVEYOR UNDER ITEM (1) OR (2) OF THIS SUBSECTION; AND

11 (II) IS CARRYING IDENTIFICATION THAT IDENTIFIES THE
12 EMPLOYER OF THE PERSON.

13 (B) (1) A SURVEYOR MAY ENTER ONTO ANY PUBLIC OR PRIVATE LANDS OR
14 WATERS IN THIS STATE, EXCEPT BUILDINGS, SOLELY FOR THE PURPOSE OF
15 CONDUCTING A LAND SURVEY OR A PROPERTY LINE SURVEY.

16 (2) A VEHICLE OR VESSEL USED WHEN CONDUCTING A LAND SURVEY
17 OR A PROPERTY LINE SURVEY SHALL CONSPICUOUSLY DISPLAY ON THE EXTERIOR
18 OF THE VEHICLE OR VESSEL A LEGIBLE SIGN THAT LISTS THE NAME, ADDRESS, AND
19 TELEPHONE NUMBER OF THE SURVEYOR OR THE CORPORATION, PARTNERSHIP, OR
20 LIMITED LIABILITY COMPANY THROUGH WHICH THE SURVEYOR PRACTICES LAND
21 SURVEYING OR PROPERTY LINE SURVEYING.

22 (C) A SURVEYOR WHO ENTERS ONTO PROPERTY OR WATERS IN ACCORDANCE
23 WITH SUBSECTION (B) OF THIS SECTION IS SUBJECT TO THE PROVISIONS OF § 5-427
24 OF THE COURTS ARTICLE.

25 **Article - Courts and Judicial Proceedings**

26 5-427.

27 (A) FOR THE PURPOSE OF THIS SECTION, "SURVEYOR" HAS THE MEANING
28 INDICATED IN § 15-503 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

29 (B) A SURVEYOR WHO ENTERS ONTO PROPERTY OR WATERS, EXCEPT
30 BUILDINGS, FOR THE PURPOSE OF CONDUCTING A LAND SURVEY OR A PROPERTY
31 LINE SURVEY SHALL:

32 (1) FORFEIT ANY CLAIM FOR DAMAGE OR INJURY TO THE PERSON OR
33 PROPERTY OF THE SURVEYOR WHILE ON THE LANDS OR WATERS OF ANOTHER,
34 UNLESS THE DAMAGE OR INJURY IS CAUSED BY THE INTENTIONAL TORTIOUS
35 CONDUCT OF ANOTHER; AND

1 (2) IF A SURVEYOR MEETS THE REQUIREMENTS OF § 15-503(B) OF THE
2 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, BE LIABLE ONLY FOR ACTUAL
3 DAMAGE TO CROPS OR OTHER PROPERTY AND ACTUAL DAMAGES DUE TO THE
4 NEGLIGENCE OF THE SURVEYOR DURING THE ENTRY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000.