

SENATE BILL 288

E1, D3, C3

3lr1656
CF HB 1230

By: **Senator Waldstreicher**

Introduced and read first time: January 27, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal and Civil Trespass – Professional Land Surveyors – Exception**

3 FOR the purpose of establishing exceptions to certain criminal prohibitions against
4 trespass on property and the civil tort of trespass for professional land surveyors,
5 and agents and employees of professional land surveyors, who enter the property of
6 another to practice land surveying; and generally relating to professional land
7 surveyors and the criminal and civil law on trespass.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 5–427

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

13 BY adding to

14 Article – Criminal Law

15 Section 6–411

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2022 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **5-427.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "PRACTICE LAND SURVEYING" HAS THE SAME MEANING AS
5 PROVIDED IN § 15-101(K) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
6 ARTICLE.

7 (3) "PROFESSIONAL LAND SURVEYOR" MEANS A LAND SURVEYOR
8 WHO IS LICENSED BY THE STATE BOARD FOR PROFESSIONAL LAND SURVEYORS TO
9 PRACTICE LAND SURVEYING.

10 (B) A PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A
11 PROFESSIONAL LAND SURVEYOR, WHO ENTERS A PROPERTY TO PRACTICE LAND
12 SURVEYING MAY NOT BE HELD LIABLE UNDER THE COMMON LAW TORT OF
13 TRESPASS.

14 (C) THIS SECTION DOES NOT:

15 (1) AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY
16 IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER
17 PROVISION OF THE CODE OR AVAILABLE AT COMMON LAW OR EQUITY, TO WHICH A
18 PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A PROFESSIONAL
19 LAND SURVEYOR, MAY BE ENTITLED; OR

20 (2) IMPAIR THE RIGHT OF A PERSON TO SEEK REDRESS UNDER ANY
21 OTHER PROVISION OF THE CODE OR AT COMMON LAW OR EQUITY FOR CONDUCT BY
22 A PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A
23 PROFESSIONAL LAND SURVEYOR, THAT IS OTHERWISE ACTIONABLE.

24 **Article - Criminal Law**

25 **6-411.**

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (2) "PRACTICE LAND SURVEYING" HAS THE SAME MEANING AS
29 PROVIDED IN § 15-101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
30 ARTICLE.

31 (3) "PROFESSIONAL LAND SURVEYOR" MEANS A LAND SURVEYOR
32 WHO IS LICENSED BY THE STATE BOARD FOR PROFESSIONAL LAND SURVEYORS TO

1 PRACTICE LAND SURVEYING.

2 (B) THIS SUBTITLE DOES NOT APPLY TO A PROFESSIONAL LAND SURVEYOR,
3 OR AN AGENT OR EMPLOYEE OF A PROFESSIONAL LAND SURVEYOR, WHO ENTERS A
4 PROPERTY TO PRACTICE LAND SURVEYING.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.