

IN THE SENATE

SENATE BILL NO. 1261

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE,
2 TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
3 54-1215, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE STATUS AND
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1216, IDAHO CODE,
5 TO REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMEND-
6 ING SECTION 54-1220, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL HAVE
7 JURISDICTION OVER LICENSEES AND CERTIFICATE HOLDERS WHOSE LICENSES AND
8 CERTIFICATES ARE NOT CURRENT AND TO MAKE TECHNICAL CORRECTIONS; REPEAL-
9 ING SECTION 54-1221, IDAHO CODE, RELATING TO REISSUANCE OF LICENSES AND
10 WALL CERTIFICATES; AMENDING CHAPTER 12, TITLE 54, IDAHO CODE, BY THE
11 ADDITION OF A NEW SECTION 54-1221, IDAHO CODE, TO PROVIDE FOR REISSUANCE
12 OF WALL LICENSES AND CERTIFICATES; AMENDING SECTION 54-1227, IDAHO
13 CODE, TO ESTABLISH CERTAIN PROVISIONS REGARDING LAND SURVEY MONUMENTS
14 AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 54-1231, IDAHO
15 CODE, RELATING TO ASSESSMENT OF DAMAGES FOR ENTRY; REPEALING SECTION
16 54-1232, IDAHO CODE, RELATING TO TENDER OF DAMAGES FOR ENTRY; REPEALING
17 SECTION 54-1233, IDAHO CODE, RELATING TO COSTS OF ASSESSMENT OF DAM-
18 AGES; AMENDING SECTION 55-1603, IDAHO CODE, TO PROVIDE AN EXCEPTION TO
19 THE DEFINITION OF "PUBLIC LAND SURVEY CORNER" AND TO MAKE TECHNICAL COR-
20 RECTIONS; AMENDING SECTION 55-1604, IDAHO CODE, TO REVISE PROVISIONS
21 REGARDING FILING REQUIREMENTS; AMENDING SECTION 55-1607, IDAHO CODE,
22 TO REMOVE A PROVISION REGARDING RECORDKEEPING; AND AMENDING SECTION
23 55-1608, IDAHO CODE, TO SPECIFY CERTAIN REQUIREMENTS REGARDING THE ES-
24 TABLISHMENT AND REHABILITATION OF MONUMENTS.
25

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

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

29 54-1202. DEFINITIONS. As used in this chapter, unless the context or
30 subject matter requires otherwise:

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

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

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

40 (4) "Business entity" means a corporation, professional corporation,
41 limited liability company, professional limited liability company, general
42 partnership, limited partnership, limited liability partnership, profes-

1 sional limited liability partnership or any other form of business except a
2 sole proprietorship.

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

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

13 (7) "Engineer intern" means a person who has qualified for, taken and
14 passed an examination in the fundamentals of engineering subjects as pro-
15 vided in this chapter.

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

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

22 (a) Property boundaries;

23 (b) The public land survey system;

24 (c) Rights-of-way;

25 (d) Easements;

26 (e) Lease areas; or

27 (f) Other interests in real property.

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

30 (10~~1~~) "Professional engineering" and "practice of professional engi-
31 neering" mean any service or creative work offered to or performed for the
32 public for any project physically located in this state, such as consulta-
33 tion, investigation, evaluation, planning, designing, design coordination,
34 teaching upper division engineering design subjects, and responsible charge
35 of observation of construction in connection with any public or private
36 utilities, structures, buildings, machines, equipment, processes, works or
37 projects or to certify elevation information, wherein the public welfare or
38 the safeguarding of life, health, or property is concerned or involved, when
39 such service requires the application of engineering principles and data.
40 A person shall be construed to practice or offer to practice professional
41 engineering within the meaning and intent of this chapter who practices or
42 offers to practice any of the branches of the profession of engineering for
43 the public for any project physically located in this state or who, by verbal
44 claim, sign, advertisement, letterhead, card, or in any other way, repre-
45 sents himself to be a professional engineer or through the use of some other
46 title implies that he is a professional engineer or that he is licensed under
47 this chapter, or holds himself out as able to perform or who does perform for
48 the public for any project physically located in this state, any engineering
49 service or work or any other service designated by the practitioner which is
50 the practice of professional engineering.

1 (112) (a) "Professional land surveying" and "practice of professional
 2 land surveying" mean responsible charge of authoritative land survey-
 3 ing services using sciences such as mathematics, geodesy and photogram-
 4 metry and involving:

5 (i) The making of geometric measurements and gathering related
 6 information pertaining to the physical or legal features of the
 7 earth, improvement on the earth, and the space above, on or below
 8 the earth; and

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

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

35 (b) "Professional land surveying" and "practice of professional land
 36 surveying" shall not mean:

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

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

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

45 Any person shall be construed to practice or offer to practice professional
 46 land surveying who engages in professional land surveying, or who, by ver-
 47 bal claim, sign, advertisement, letterhead, card, or in any other way, rep-
 48 represents himself to be a professional land surveyor, or who represents him-
 49 self as able to perform or who does perform any professional land surveying

1 service or work or any other service designated by the practitioner which is
2 professional land surveying.

3 (123) "Professional land surveyor" means a person who is qualified by
4 reason of his knowledge of the principles of land surveying acquired by ed-
5 ucation and practical experience to engage in the practice of professional
6 land surveying and who has been duly licensed as a professional land surveyor
7 by the board under this chapter.

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

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

17 (156) "Retired professional engineer" or "retired professional land
18 surveyor" means a professional licensed under this chapter who chooses to
19 place his license in retired status indicating he is no longer practicing or
20 offering to practice professional engineering or professional land survey-
21 ing.

22 (167) "Rules of professional responsibility" means those rules, if any,
23 promulgated by the board, as authorized by the Idaho Code.

24 (178) "Signature" means either: an original handwritten message iden-
25 tification containing the name of the person who applied it; or a digital
26 signature, which is an electronic authentication process attached to or log-
27 ically associated with an electronic document. The digital signature must
28 be unique to the person using it; must be capable of verification; must be un-
29 der the sole control of the person using it; and must be linked to a document
30 in such a manner that the digital signature is invalidated if any data in the
31 document is changed.

32 (189) "Standard design plan" means a building, structure, equipment or
33 facility ~~which~~ that is intended to be constructed or sited at multiple lo-
34 cations and for which some or all of the plans must be prepared by a profes-
35 sional engineer.

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

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

41 54-1215. LICENSE -- SEALS -- INTERN CERTIFICATES. (1) The board shall
42 issue a license upon payment of the fee as provided for in this chapter to
43 any applicant who, in the opinion of the board, has satisfactorily met all
44 of the requirements of this chapter for licensure as a professional engineer
45 or professional land surveyor, and a certificate shall be issued to those
46 who qualify as an engineer intern or a land surveyor intern. In the case of
47 a professional engineer, the license shall authorize the practice of "pro-
48 fessional engineering," and in the case of a professional land surveyor, the
49 license shall authorize the practice of "professional land surveying." Li-

1 censes shall show the full name of the licensee, shall give a license number,
2 and shall be signed by the chairman and the secretary of the board under seal
3 of the board.

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

9 (3) Except for engineering faculty holding a restricted license pur-
10 suant to section 54-1214(5), Idaho Code, eEach licensee hereunder shall,
11 upon licensure, obtain a seal, the use and design of which are described
12 below. It shall be unlawful for any person to affix or to permit his seal and
13 signature to be affixed to any documents after the license of the licensee
14 named thereon has expired or has been retired, suspended, or revoked, unless
15 said license shall have been renewed, reinstated, or reissued, or for the
16 purpose of aiding or abetting any other person to evade or attempt to evade
17 any portion of this chapter.

18 (a) The seal may be a rubber stamp, crimp or electronically generated
19 image. Whenever the seal is applied, the licensee's signature and date
20 shall also be included. If the signature is handwritten, it shall be ad-
21 jacent to or across the seal. No further words or wording is required.
22 A facsimile signature generated by any method will not be acceptable un-
23 less accompanied by a digital signature.

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

37 (c) The seal and signature of the licensee and date shall be placed on
38 all original documents in such a manner that such seal, signature and
39 date are reproduced when the original document is copied. The applica-
40 tion of the licensee's seal and signature and the date shall constitute
41 certification that the work thereon was done by him or under his respon-
42 sible charge. Each plan or drawing sheet shall be sealed and signed and
43 dated by the licensee or licensees responsible for each sheet. In the
44 case of a business entity, each plan or drawing sheet shall be sealed and
45 signed and dated by the licensee or licensees involved. Copies of elec-
46 tronically produced documents, listed in paragraph (b) of this subsec-
47 tion, distributed for informational uses such as for bidding purposes
48 or working copies, may be issued with the licensee's seal and a notice
49 that the original document is on file with the licensee's signature and
50 the date. The words "Original Signed By:" and "Date Original Signed:"

1 shall be placed adjacent to or across the seal on the electronic orig-
 2 inal. The storage location of the original document shall also be pro-
 3 vided. Only the title page of reports, specifications and like docu-
 4 ments need bear the seal and signature of the licensee and the date.

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

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

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

13 SECTION 3. That Section 54-1216, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 54-1216. EXPIRATIONS AND RENEWALS -- FEES. ~~(1) Following issuance or~~
 16 ~~renewal of licenses for professional engineers and professional land sur-~~
 17 ~~veyors, expiration shall be on Each licensee or intern shall apply for re-~~
 18 ~~newal by~~ the last day of the month during which the licensee was born, in
 19 even-numbered state of Idaho fiscal years for those born in even-numbered
 20 calendar years and in odd-numbered state of Idaho fiscal years for those born
 21 in odd-numbered calendar years, and shall become invalid on that date unless
 22 renewed.

23 (2) Certificates of authorization for business entities shall expire
 24 annually on the last day of the month in which the certificates were ini-
 25 tially issued and shall become invalid on that date unless renewed. ~~It shall~~
 26 ~~be the duty of the board to notify every person licensed and every business~~
 27 ~~entity certified under this chapter of the date of the expiration of said li-~~
 28 ~~cence or certificate of authorization and the amount of the fee that shall be~~
 29 ~~required for its renewal. Such notice shall be mailed to the last known ad-~~
 30 ~~dress of the licensee or business entity at least one (1) month in advance of~~
 31 ~~the date of the expiration of said license or certificate of authorization.~~

32 (3) Renewal shall be effective at any time in the appropriate year dur-
 33 ing the month in which the licensee was born or during the month in which
 34 the certificates were initially issued in the case of business entities, by
 35 after the payment of a renewal fee to be fixed by the board at not more than
 36 one hundred fifty dollars (\$150) and upon completion of any requirements for
 37 renewal required by this chapter or administrative rule.

38 (4) The failure on the part of any licensee or certificate holder to re-
 39 new his or its license or certificate ~~biennially in the month in which they~~
 40 ~~were born or annually in the month in which the certificates were initially~~
 41 ~~issued in the case of business entities, as required above before expiration~~
 42 shall not deprive such person or business entity of the right of renewal, but
 43 the fee to be paid for the renewal of a license or certificate after the month
 44 in which it is due shall be increased fifty percent (50%) for each month or
 45 fraction of a month that payment of renewal is delayed; provided however,
 46 that the maximum fee for delayed renewal shall not exceed five hundred dol-
 47 lars (\$500).

48 (5) Any work performed after a license or certificate of authorization
 49 has expired, but before delayed renewal has been effected, shall become

1 valid upon delayed renewal as if the license or certificate of authorization
 2 had not expired, but the licensee or certificate holder may be subject to
 3 disciplinary action by the board for practice on an expired license or such
 4 other action as provided pursuant to this chapter.

5 ~~Following issuance or renewal of certificates for engineer interns and~~
 6 ~~land surveyor interns, expiration shall be on the last day of the month dur-~~
 7 ~~ing which the certificate holder was born, in even-numbered state of Idaho~~
 8 ~~fiscal years for those born in even-numbered calendar years and in odd-num-~~
 9 ~~bered state of Idaho fiscal years for those born in odd-numbered calendar~~
 10 ~~years. The notification to holders of~~

11 (6) The renewal of intern certificates shall be processed as prescribed
 12 above in subsections (1) and (4) of this section for licensees, except that
 13 the biennial renewal fee shall not be more than thirty dollars (\$30.00). The
 14 failure on the part of any holder of a certificate intern to effect renewal
 15 shall not invalidate his status as an engineer intern or land surveyor in-
 16 tern, but his name shall be removed from the board's mailing list.

17 SECTION 4. That Section 54-1220, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 54-1220. DISCIPLINARY ACTION -- PROCEDURES. (1) Any affected party
 20 may prefer charges of fraud, deceit, gross negligence, incompetence, mis-
 21 conduct or violation of any provision of this chapter, or violation of any
 22 of the rules promulgated by the board, against any individual licensee or
 23 certificate holder or against any business entity holding a certificate of
 24 authorization or against a person applying for a license or against a busi-
 25 ness entity applying for a certificate of authorization. Repeated acts of
 26 negligence may be considered as a gross act for disciplinary action. Such
 27 charges shall be in writing, and shall be sworn to by the person or persons
 28 making them and shall be filed with the executive director of the board. The
 29 executive director of the board shall be considered an affected party and may
 30 be the person making and filing the charges.

31 (2) All charges, unless dismissed by the board as unfounded or de min-
 32 imis, or unless settled informally, shall be heard by the board within six
 33 (6) months after the date they were received at the board office unless such
 34 time is extended by the board for justifiable cause.

35 (3) Administrative proceedings shall be governed by the provisions of
 36 chapter 52, title 67, Idaho Code.

37 (4) If, after an administrative hearing, the board votes in favor of
 38 sustaining the charges, the board may, in its discretion, impose an admin-
 39 istrative penalty, not to exceed five thousand dollars (\$5,000) for deposit
 40 in the general fund of the state of Idaho. In addition, the board, in its
 41 discretion, may admonish, reprimand, suspend, revoke, refuse to renew,
 42 refuse to grant, or any combination thereof, the individual's license or
 43 certificate or a business entity's certificate of authorization. The board
 44 may also, in its discretion, require the individual to practice under the
 45 supervision of another licensee, or require the individual to successfully
 46 complete continuing education courses as may be prescribed by the board.

47 (5) Notwithstanding the provisions of subsection (4) of this section,
 48 any person who has violated the recordkeeping or continuing professional
 49 development requirements imposed by the rules of the board may, in lieu

1 of disciplinary proceedings under this chapter or chapter 52, title 67,
 2 Idaho Code, elect to pay the board a penalty in the amount of four hundred
 3 dollars (\$400) for a first-time violation. Upon successful completion of
 4 the recordkeeping or continuing professional development requirements and
 5 payment of the penalty, the violation shall not be considered disciplinary
 6 action under the provisions of this section and shall not be reported to any
 7 national disciplinary database.

8 (6) The board shall have jurisdiction over licensees and certificate
 9 holders whose licenses and certificates are not current, provided the action
 10 relates to services performed when the license was current and valid.

11 SECTION 5. That Section 54-1221, Idaho Code, be, and the same is hereby
 12 repealed.

13 SECTION 6. That Chapter 12, Title 54, Idaho Code, be, and the same is
 14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 15 ignated as Section 54-1221, Idaho Code, and to read as follows:

16 54-1221. REISSUANCE OF WALL LICENSES AND CERTIFICATES. A new wall li-
 17 cense or certificate to replace any that was previously revoked, lost, de-
 18 stroyed, or mutilated may be issued upon payment of ten dollars (\$10.00).

19 SECTION 7. That Section 54-1227, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SUR-
 22 VEYORS AND PROFESSIONAL ENGINEERS. (1) Every licensed professional land
 23 surveyor is hereby authorized to make land surveys and it shall be the duty
 24 of each licensed professional land surveyor, whenever making any profes-
 25 sional boundary land survey as defined in section 54-1202, Idaho Code, that
 26 is not preliminary in nature, to set permanent and reliable magnetically
 27 detectable monuments at all unmonumented corners field-located, the minimum
 28 size of which shall be one-half (1/2) inch in least dimension and two (2)
 29 feet long iron or steel rod unless special circumstances preclude use of such
 30 monument; and such monuments must be permanently marked with the license
 31 number of the professional land surveyor responsible for placing the monu-
 32 ment. Professional engineers qualified and duly licensed pursuant to this
 33 chapter may also perform those nonboundary surveys necessary and incidental
 34 to the work customarily performed by them, or a metallic post or pipe one (1)
 35 inch in least dimension and two (2) feet long with minimum wall thickness of
 36 nominal one-eighth (1/8) inch, or other more substantial monuments designed
 37 specifically for use as a survey monument. Such monuments must be substan-
 38 tially in the ground, stable, and permanently marked with the license number
 39 of the professional land surveyor responsible for placing the monument.

40 (2) Where special circumstances preclude use of such monuments, the
 41 professional land surveyor must place an alternate, stable, permanent monu-
 42 ment that is magnetically detectable and marked with the license number of
 43 the professional land surveyor placing the monument.

44 (3) Where the corner position cannot be monumented due to special cir-
 45 cumstances, the professional land surveyor must establish reference monu-
 46 ments or a witness corner and mark them as such.

1 (4) Any found nonmagnetically detectable monument must be remonumented
2 with a magnetically detectable monument compliant with subsections (1)
3 through (3) of this section.

4 (5) Professional engineers qualified and duly licensed pursuant to
5 this chapter may also perform those other surveys necessary and incidental
6 to their work.

7 SECTION 8. That Section [54-1231](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 9. That Section [54-1232](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 10. That Section [54-1233](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 11. That Section 55-1603, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 55-1603. DEFINITIONS. Except where the context indicates a different
16 meaning, terms used in this chapter shall be defined as follows:

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

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

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

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

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

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

34 (7) "Monument" means a physical structure that occupies the exact posi-
35 tion of a corner.

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

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

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

44 (11) "Public land survey corner" means any point actually established
45 and monumented in an original survey or resurvey that determines the bound-
46 aries of remaining public lands, or public lands patented, represented on

1 an official plat and in the field notes thereof, accepted and approved un-
2 der authority delegated by congress to the U.S. general land office (GLO)
3 and the U.S. department of interior, bureau of land management. This ex-
4 cludes GLO-surveyed townsite lot corners, except those marking exterior an-
5 gle points or block corners within the townsite.

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

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

13 SECTION 12. That Section 55-1604, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 55-1604. FILING REQUIREMENTS. A professional land surveyor shall com-
16 plete, sign, and file with the county clerk and recorder of the county where
17 the corner is situated, a written record of the establishment ~~or restora-~~
18 ~~tion, reestablishment, or rehabilitation~~ of a corner monument and its acces-
19 ~~sories~~. This record shall be known as a "corner record" and such a filing
20 shall be made for every public land survey corner, center one-quarter (1/4)
21 corner, and accessory to such corner which is established, reestablished,
22 monumented, remonumented, ~~restored~~, rehabilitated, perpetuated or used as
23 control in any survey. The survey information shall be filed within ninety
24 (90) days after the survey is completed, unless the corner and its acces-
25 sories are substantially as described in an existing corner record filed in
26 accordance with the provisions of this chapter.

27 In lieu of filing as heretofore provided, corner records may be recorded
28 ~~by photographic process~~ electronically in those counties ~~which~~ that have
29 such facilities.

30 SECTION 13. That Section 55-1607, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 55-1607. COUNTY CLERK TO KEEP RECORD -- FEES. (a) The county clerk and
33 recorder of the county containing the corner shall receive the completed
34 corner record and preserve it in the same manner as any other recorded in-
35 struments. Proper indexes shall be kept of such corner records by section,
36 township and range.

37 (b) The county clerk and recorder shall make these records available
38 for public inspection during all usual office hours.

39 (c) For purposes of determining the filing fee hereunder, the corner
40 record shall be considered as a similar service to the filing or recording
41 of instruments as provided in section 31-3205, Idaho Code. ~~However, all~~
42 ~~corners, monuments and their accessories established prior to the effective~~
43 ~~date of this chapter, for which a written record is completed as required~~
44 ~~herein, and which are offered for filing or recording within six (6) months~~
45 ~~of the effective date of this chapter, shall be accepted and filed by the~~
46 ~~county clerk without requiring the payment of fees therefor.~~

1 SECTION 14. That Section 55-1608, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 55-1608. PROFESSIONAL LAND SURVEYOR TO ~~RECONSTRUCT~~ ESTABLISH OR REHA-
4 BILITATE MONUMENTS. (1) In every case where a corner record of a survey cor-
5 ner is required to be filed or recorded under the provisions of this chapter,
6 the professional land surveyor must ~~reconstruct or rehabilitate the monu-~~
7 ~~ment of such corner, and accessories to such corner or remonument any corner~~
8 in accordance with subsection (2) of this section. Where the corner position
9 is monumented with a stable, permanent, substantial, accessible, magneti-
10 cally detectable, and uniquely identifiable monument, a new monument will
11 not be required. The professional land surveyor must also recover, estab-
12 lish, or rehabilitate a minimum of three (3) accessories to such corner where
13 practicable. Where the professional land surveyor determines accessories
14 are impracticable, an explanation shall be included on the corner record.

15 (2) Any monument set shall conform to the provisions of section
16 54-1227, Idaho Code, and shall be surmounted with a cap of such material
17 and size that can be permanently and legibly marked as prescribed by the
18 manual of surveying instructions issued by the United States department of
19 the interior, bureau of land management, including the license number of
20 the professional land surveyor responsible for placing the monument. Monu-
21 ments shall be marked such that measurements between them may be made to the
22 nearest one-tenth (0.1) foot. If the monument is set by a public officer,
23 it shall be marked by an appropriate official designation. Where it is im-
24 practicable to monument a corner due to situations beyond the professional
25 land surveyor's control, reference points or a witness corner shall be re-
26 covered or established. The professional land surveyor must also document
27 the reason the monument cannot be set, the method of establishing the corner
28 location, and the presence of any found or set reference point or witness
29 corner on his corner record and record of survey or plat.

30 (3) ~~When nonmetallic corner monuments were set in a survey conducted~~
31 ~~by an agency of the United States government, the corner location shall~~
32 ~~be remonumented with a monument conforming to the provisions of section~~
33 ~~54-1227, Idaho Code, and shall be surmounted with a cap of such material~~
34 ~~and size that can be permanently and legibly marked as prescribed by the~~
35 ~~manual of surveying instructions issued by the United States department of~~
36 ~~the interior, bureau of land management, including the license number of~~
37 ~~the professional land surveyor responsible for placing the monument. Monu-~~
38 ~~ments shall be marked such that measurements between them may be made to~~
39 ~~the nearest one-tenth (0.1) foot. Where closing corners that are not on or~~
40 ~~controlling for the line closed upon were set in any government survey autho-~~
41 ~~rized by the congress of the United States and the true point of intersection~~
42 ~~of the pertinent lines is controlling in a survey, resurvey, or subdivision~~
43 ~~of a section, the true point of intersection shall be monumented with a monu-~~
44 ~~ment conforming to subsection (2) of this section. Any professional land~~
45 ~~surveyor establishing such a monument shall prepare and file a corner record~~
46 ~~for the true point of intersection monument, including any evidence related~~
47 ~~to and the pedigree of the original closing corner. If found, the original~~
48 ~~closing corner monument position must be remonumented as an amended monument~~
49 in accordance with subsection (2) of this section.