

2023 -- S 0756

LC002099

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LAND SURVEYORS

Introduced By: Senators DiPalma, Ciccone, and Lombardo

Date Introduced: March 23, 2023

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-8.1 of the General Laws entitled "Land Surveyors" is hereby
2 amended by adding thereto the following section:

3 **5-8.1-21. Right of entry for professional land surveyor performing surveying services.**

4 (a) A professional land surveyor, issued a current and valid certificate of registration in
5 accordance with the provisions of this chapter, when performing surveying services at the request
6 of a landowner or person with an interest in real estate, may, without the consent of the owner or
7 person in possession, enter upon or cross any lands, air, space or water resource, whether publicly
8 or privately owned, except for property owned or operated by a public or private utility, railroad,
9 airport or limited access highway, security facility (prison) or any property with a documented
10 safety or security plan, necessary to perform surveying services.

11 (b) Nothing in this section shall be construed as authorizing a professional land surveyor
12 to intentionally destroy, injure, damage or move any object, chattel or item on the lands of another
13 without the permission of the owner.

14 (c) This section shall not be construed to provide statutory protection from civil liability
15 for actual damage to land, chattels, crops, trees, structures or personal property.

16 (d) This section shall not be construed to authorize a professional land surveyor to enter
17 any building or structure.

18 (e) A professional land surveyor shall make reasonable effort to notify a landowner and
19 person in possession upon whose land, air, space or water resource it is necessary for the

1 professional land surveyor to enter or cross. Notice provided as follows meets the requirement of
2 this subsection:

3 (1) Written notice delivered by hand to the person in possession of the land and the
4 landowner or to the residence of the landowner upon whose land, air, space or water resource the
5 surveyor may enter or cross, delivered at least twenty-four (24) hours prior to the surveyor's
6 entering the land, air, space or water resource; or

7 (2) Written notice mailed by first class mail to the person in possession of the land and the
8 landowner upon whose land, air, space or water resource the surveyor may enter or cross,
9 postmarked at least five (5) days prior to the surveyor's entering the land, air, space or water
10 resource. The surveyor may rely on the address of the landowner as contained in the municipal
11 property tax records or their equivalent.

12 (f) Surveyors who enter land, air, space or water resource pursuant to this section shall
13 carry on their person identification sufficient to identify themselves and their employer or principal
14 and shall present the identification upon request.

15 (g) Vehicular access to perform surveys is limited to established roads and trails, unless
16 approval for other vehicular access is granted by the landowner.

17 (h) Approval of the landowner is required for the clearing of trees, brush, or other
18 vegetation.

19 (i) A registered professional land surveyor, or any employee or agent of the land surveyor,
20 who enters land as allowed under this section is owed no greater duty of care than that owed by a
21 landowner to a trespasser.

22 (j) As an act of good will and in order to keep the landowner informed, a professional land
23 surveyor shall supply the landowner with information on located, established, or reestablished
24 corners that lie on the land or that may affect the boundaries of the land. Upon request, the
25 professional land surveyor shall provide the landowner with a copy of any relevant survey filed or
26 recorded.

27 (k) A professional land surveyor and the surveyor's assistant shall comply with any other
28 federal and state safety rules and regulations that apply to the land that they enter or cross in addition
29 to the provisions set forth in this section.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - LAND SURVEYORS

1 This act would grant a right of entry for a professional land surveyor issued a current and
2 valid certificate of registration performing surveying services for a landowner to enter upon or cross
3 any lands, air, space or water resource, whether publicly or privately owned, except for property
4 owned or operated by a public or private utility, private railroad, airport or limited access highway,
5 security facility (prison) or any property with a documented safety or security plan, necessary to
6 perform surveying services. Prior to entry, the surveyor would provide at least twenty-four (24)
7 hours' notice to the owner and the possessor of land. The land surveyor would not be protected
8 from any claim resulting in damage caused by the surveyor and the owner and possessor of land
9 would owe no greater duty of care to the surveyor than that owed by a landowner to a trespasser.
10 This act would take effect upon passage.

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