

House Bill 2893

Sponsored by Representative KENNEMER (at the request of Professional Land Surveyors of Oregon) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Revises requirement for giving of notice by registered professional land surveyor or employee or agent of land surveyor prior to entry upon land for survey work purposes.

A BILL FOR AN ACT

1
2 Relating to land surveying; amending ORS 672.047.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 672.047 is amended to read:

5 672.047. (1) Subject to subsection (4) of this section, a registered professional land surveyor, or
6 any employee or agent of the land surveyor, may enter on foot, where practicable, upon any land
7 for the purpose of surveying or performing any survey work and may establish permanent survey
8 monuments as allowed by rule of the State Board of Examiners for Engineering and Land Surveying.

9 (2) Any person exercising the right of entry granted under subsection (1) of this section shall
10 do so with no unnecessary damage to the land entered upon. Damages to trees, shrubs and other
11 vegetation intentionally caused by the land surveyor shall be subject to compensation and penalties
12 as provided in ORS 105.810. The land surveyor shall compensate the landowner for all other actual
13 monetary damages, or \$100, whichever is greater. Actual monetary damages may include but are
14 not limited to all costs in time, labor and materials incurred by the [*property owner*] **landowner** to
15 return the property to the condition it was in prior to the damage.

16 [*(3) If a request is made in writing in a timely manner, a copy of the survey shall be provided in*
17 *a timely manner to any landowner who owns property that is outside an urban growth boundary and*
18 *is affected by subsection (4) of this section.*]

19 **(3) If land that is entered and surveyed under this section is located outside of an urban**
20 **growth boundary and the landowner makes a timely request in writing, the registered pro-**
21 **fessional land surveyor shall provide a copy of the survey in a timely manner to the land-**
22 **owner.**

23 (4) A registered professional land surveyor, or any employee or agent of the land surveyor, may
24 not enter upon [*or establish any permanent survey monument upon any land without first attempting*
25 *to provide notice to the landowner or occupant of the property in person. If the landowner or occupant*
26 *is not available, written notice shall be posted in a conspicuous place where the notice is most likely*
27 *to be seen. The posted*] **land for the purpose of surveying, performing other survey work or**
28 **establishing a permanent survey monument without first providing notice to the landowner**
29 **by first class mail or by personal notice. If the land is occupied by a person other than the**
30 **landowner, notice must also be given to the occupant by first class mail or by personal no-**
31 **tice. Notice that is given by personal notice must be hand-delivered to the landowner or oc-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **cupant or be posted in a conspicuous place where the landowner or occupant may reasonably**
2 **be expected to see the notice. The** notice shall give the professional land surveyor's name, ad-
3 dress, telephone number, purpose, availability of the survey and the presence of any temporary or
4 permanent monuments or other markers **to be** left on the [*property*] **land.**

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

8 (6) Notwithstanding the provisions of subsection (1) of this section, a registered professional land
9 surveyor, or any employee or agent of the land surveyor, may use a vehicle to enter upon land
10 provided that the vehicle remains on existing roadways where practicable.

11 (7) The land surveyor shall remove all flagging, stakes and other temporary materials that are
12 above ground if leaving the materials in place creates an unreasonable risk of harm to persons or
13 property. Except for forestland as defined in ORS 527.620, the land surveyor shall remove all tem-
14 porary above ground materials within 60 days of placement unless written authorization to leave the
15 materials in place is received from the landowner or occupant.

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