

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative J. Miller**

A BILL ACT 862 OF 1991
HOUSE BILL 1147

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE PRIVILEGES AND RESPONSIBILITIES
9 OF SURVEYORS ENTERING UPON PUBLIC OR PRIVATE LANDS OR
10 WATERS FOR THE PURPOSE OF MAKING PROPERTY, GEODETIC OR
11 CONTROL SURVEYS OR FOR THE OBTAINING OR PRESERVATION OF
12 EVIDENCE OF THE SAME; AND FOR OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. The purpose of this act is to enable surveyors to have access
17 to survey monuments, triangulation stations, traverse stations, leveling
18 stations, section corners, quarter section corners and sixteenth section
19 corners, locations and other evidence needed in conducting or preparing for
20 surveys or in preserving such monuments, triangulation stations, traverse
21 stations, leveling stations, section corners, quarter section corners and
22 sixteenth section corners, locations or other evidence. It is particularly
23 recognized that at times it is necessary for a surveyor to tread on property
24 not in his survey contract because the boundaries and corners of any parcel of
25 land are necessarily also those of adjoining parcels and because the location
26 of boundaries and corners often are affected by the location of some that are
27 remote and not adjoining.

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29 SECTION 2. Surveyor as used in this act means:

30 (a) A person who is a registered surveyor licensed to practice in the
31 State of Arkansas by permanent registration number or by special permit.

32 (b) A person employed in surveying by the United States government, by
33 the State of Arkansas, or by a local government agency.

34 (c) A person who is under the direct supervision of or is employed by a
35 person who is a surveyor under (a) or (b) above.

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1 SECTION 3. Surveyors shall have the right to enter on public or private
2 land or waters, except buildings, in the lawful pursuit of their occupations
3 and shall be immune from arrest for trespass when performing their duties as
4 prescribed in this act.

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6 SECTION 4. Surveyors shall, where practical, announce and identify
7 themselves and their intentions before entering upon private property.
8 Surveyors will carry means of proper identification as to their registration
9 or employment and will display same to anyone requesting it. Surveyors shall
10 not use the privilege granted herein to extend that point of entry as
11 determined by actual survey requirements.

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13 SECTION 5. Surveyors shall be personally liable for any damage caused
14 to private property when exercising entry under this act. Surveyors shall
15 forfeit any and all claim for damage or personal injury against landowner
16 while on such lands or waters unless the damage or injury is caused by the
17 intentional tortious conduct of landowner or his agent.

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19 SECTION 6. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.

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23 SECTION 7. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 8. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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33 /s/ John E. Miller

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35 APPROVED: 3/29/91