

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

# A Bill

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

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

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

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

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

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 All laws and parts of laws in conflict with this act are hereby repealed.

*/s/ John E. Miller*