

2021 -- H 5344

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LAND SURVEYORS

Introduced By: Representatives Cortvriend, Ruggiero, Carson, Speakman, Fogarty,
Kislak, and Knight

Date Introduced: February 05, 2021

Referred To: House Corporations

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 land surveyor, duly licensed to practice in Rhode Island under this chapter, when
5 performing surveying services at the request of a landowner or person with an interest in real estate,
6 may, without the consent of the owner or person in possession, enter upon or cross any lands, air,
7 space or water resource, whether publicly or privately owned, necessary to perform surveying
8 services.

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

12 (c) This section shall not be construed to remove civil liability for actual damage to land,
13 chattels, crops or personal property.

14 (d) This section shall not be construed to give a professional land surveyor the authority to
15 enter any building or structure used as a residence or for storage.

16 (e) A professional land surveyor shall make reasonable effort to notify a landowner upon
17 whose land, air, space or water resource it is necessary for the professional land surveyor to enter
18 or cross. Notice provided as follows meets the requirement of this subsection:

19 (1) Written notice delivered by hand to the landowner or to the residence of the landowner

1 upon whose land, air, space or water resource the surveyor may enter or cross, delivered at least
2 twenty-four (24) hours prior to the surveyor's entering the land, air, space or water resource; or

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

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

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

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

14 (i) Except for willful or malicious failure to guard or warn against a known dangerous
15 condition, an owner or lessee does not:

16 (1) Extend any assurance that the premises are safe for any purpose;

17 (2) Confer upon the surveyor the legal status of an invitee or licensee to whom a duty of
18 care is owed; nor

19 (3) Assume responsibility for or incur liability for any injury to any surveyor or property
20 caused by an act of omission of that person.

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

26 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 licensed, professional land surveyors performing
- 2 surveying services for a landowner to enter upon or cross any lands, air, space or water resource,
- 3 whether publicly or privately owned, necessary to perform surveying services.
- 4 This act would take effect upon passage.

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