

1 AN ACT concerning land surveyors.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Professional Land Surveyor Act
5 of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 8, 12,
6 15, 20, 29, 45, and 49 as follows:

7 (225 ILCS 330/1) (from Ch. 111, par. 3251)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 1. Declaration of public policy. The practice of
10 land surveying in the State of Illinois is hereby declared to
11 affect the public health, safety, and welfare and to be
12 subject to regulation and control in the public interest. It
13 is further declared that the determination and physical
14 protraction of land boundaries, together with the attendant
15 preparation of legal descriptions and plats, which bear
16 witness for posterity ~~and-become-part-of-the-public-record~~ to
17 chronicle the acts and wishes of landowners throughout this
18 State is a matter of public interest and concern. Therefore,
19 it is in the public interest that the practice of land
20 surveying, as defined in this Act, merit and receive the
21 confidence of the public, and that only qualified persons be
22 authorized to practice land surveying in the State of
23 Illinois. This Act shall be liberally construed to best
24 carry out this purpose.

25 (Source: P.A. 86-987.)

26 (225 ILCS 330/3) (from Ch. 111, par. 3253)

27 (Section scheduled to be repealed on January 1, 2010)

28 Sec. 3. Exceptions. This Act does not prohibit ~~-(a)~~ any
29 person licensed in this State under any other Act from
30 engaging in the practice for which that person is licensed. ;

1 ~~(b) An individual, firm, or corporation engaged in any~~
2 ~~line of business other than the practice of land surveying~~
3 ~~from employing a licensed land surveyor to perform land~~
4 ~~surveying services directly incidental to the business of~~
5 ~~that individual, firm, or corporation.~~

6 (Source: P.A. 86-987.)

7 (225 ILCS 330/4) (from Ch. 111, par. 3254)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 4. Definitions. As used in this Act:

10 (a) "Department" means the Department of Professional
11 Regulation.

12 (b) "Director" means the Director of Professional
13 Regulation.

14 (c) "Board" means the Land Surveyors Licensing Board.

15 (d) "Direct supervision and control" means the personal
16 review by a Licensed Professional Land Surveyor of each
17 survey, including, but not limited to, procurement, research,
18 field work, calculations, preparation of legal descriptions
19 and plats. The personal review shall be of such a nature as
20 to assure the client that the Professional Land Surveyor or
21 the firm for which the Professional Land Surveyor is employed
22 is the provider of the surveying services.

23 (e) "Responsible charge" means an individual responsible
24 for the various components of the land survey operations
25 subject to the overall supervision and control of the
26 Professional Land Surveyor.

27 (f) "Design professional" means a land surveyor,
28 architect, structural engineer, or professional engineer
29 licensed practicing in conformance with this Act, the
30 Illinois Architecture Practice Act of 1989, the Structural
31 Engineering Practice Act of 1989, or the Professional
32 Engineering Practice Act of 1989.

33 (g) "Professional Land Surveyor" means any person

1 licensed under the laws of the State of Illinois to practice
2 land surveying, as defined by this Act or its rules.

3 (h) "Land Surveyor-in-Training" means any person
4 licensed under the laws of the State of Illinois who has
5 qualified for, taken, and passed an examination in the
6 fundamental land surveyor-in-training subjects as provided by
7 this Act or its rules.

8 (i) "Land surveying experience" means those activities
9 enumerated in Section 5 of this Act, which, when exercised in
10 combination, to the satisfaction of the Board, is proof of an
11 applicant's broad range of training in and exposure to the
12 prevailing practice of land surveying.

13 (Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; 92-16,
14 eff. 6-28-01.)

15 (225 ILCS 330/5) (from Ch. 111, par. 3255)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 5. Practice of land surveying defined. Any one or
18 combination of the following practices constitutes the
19 practice of land surveying:

20 (a) ~~Surveying, preparation of boundary descriptions and~~
21 ~~measuring the area of any portion of the earth's surface, the~~
22 ~~lengths and directions of the boundary lines, or the contour~~
23 ~~of the surface for their determination and description for~~
24 ~~conveying or for recording, or for~~ Establishing or
25 reestablishing, locating, defining, and making or monumenting
26 land boundaries or lines and the platting of lands and
27 subdivisions;

28 (b) Establishing Surveying and measuring the area or
29 volume of any portion of the earth's surface, subsurface, or
30 surveying and measuring an area of the airspace with respect
31 to boundary lines, determining the configuration or contours
32 of any portion of the earth's surface, subsurface, or
33 airspace or the location of fixed objects thereon, except as

1 performed by photogrammetric methods or except when the level
 2 of accuracy required is less than the American Congress on
 3 Surveying and Mapping-designated Classes of Surveying over
 4 the-earth's-surface,-to-determine-the--location--of--property
 5 rights;

6 (c) Preparing descriptions for the determination of
 7 title rights to any portion or volume of the earth's surface,
 8 subsurface, or airspace involving the lengths and direction
 9 of boundary lines, areas, parts of platted parcels or the
 10 contours of the earth's surface, subsurface, or airspace
 11 Preparing,-and-attesting-to-the-accuracy-of,-a--map--or--plat
 12 showing--the--land--boundaries--or--lines--and--the-marks-and
 13 monuments-of-the-boundaries,-or-of-a-map-or-plat-showing--the
 14 boundaries-of-subsurface-or-air-rights;

15 (d) Executing--and--issuing--certificates,-endorsements,-
 16 reports,-or-plats--which--portray--the--relationship--between
 17 existing--physical--objects--or--structures--and--one-or-more
 18 corners-or--boundaries--of--any--tract--or--lot--of--land--or
 19 boundaries--of--a--portion--of--the--surface,-subsurface,-or
 20 airspace;

21 (d) (e) Labeling, designating, naming, or otherwise
 22 identifying legal lines,-~~property~~ lines or land title lines
 23 of the United States Rectangular System or any subdivision
 24 thereof on any photograph, photographic composite, or mosaic
 25 or photogrammetric map of any portion of the earth's surface
 26 for the purpose of recording the same in the Office of
 27 Recorder or Registrar of Titles in any county;

28 (f) Determining--the--position--for--any--monument--or
 29 reference-point-which-marks-a--property--line,-boundary,-or
 30 corner,-or--to--set,-reset,-or-replace-any-the-monument-or
 31 reference-point-on-any-property;

32 (g) Acting-in-direct-supervision--and--control--of--land
 33 surveying--activities-or-conducting-as-a-manager-in-any-place
 34 of-business--which--solicits,-performs,-or--practices--land

1 surveying;

2 (e) ~~(h)~~ Any act or combination of acts that which would
3 be viewed as offering professional land surveying services
4 including:

5 (1) setting monuments which have the appearance of
6 or for the express purpose of marking land boundaries,
7 either directly or as an accessory; or

8 (2) providing any sketch, map, plat, report,
9 monument record, or other document which indicates land
10 boundaries and monuments, or accessory monuments thereto,
11 except that if the sketch, map, plat, report, monument
12 record, or other document is a copy of an original
13 prepared by a Professional Land Surveyor, and if proper
14 reference to that fact be made on that document;

15 (f) Determining the position for any monument or
16 reference point that marks a title line, boundary, or corner,
17 or to set, reset, or replace any monument or reference point
18 on any property;

19 (g) Creating, preparing, or modifying electronic or
20 computerized data relative to the performance of activities
21 in items (a) through (f) of this Section, except where
22 electronic means or computerized data is otherwise utilized
23 to integrate, display, represent, or assess the created,
24 prepared, or modified data;

25 (h) Establishing any control network or adjusting of
26 cadastral data as it pertains to items (a) through (g) of
27 this Section;

28 (i) Preparing and attesting to the accuracy of a map or
29 plat showing the land boundaries or lines and marks and
30 monuments of the boundaries or of a map or plat showing the
31 boundaries of surface, subsurface, or air rights;

32 (j) Executing and issuing certificates, endorsements,
33 reports, or plats that portray the relationship between
34 existing physical objects or structures and one or more

1 corners or boundaries of any portion of the earth's surface,
2 subsurface, or airspace;

3 (k) Acting in direct supervision and control of land
4 surveying activities or acting as a manager in any place of
5 business that solicits, performs, or practices land
6 surveying;

7 (l) (i) Offering or soliciting to perform any of the
8 services set forth in this Section.

9 (Source: P.A. 86-987.)

10 (225 ILCS 330/6) (from Ch. 111, par. 3256)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 6. Powers and duties of the Department.

13 (a) The Department shall exercise the powers and duties
14 prescribed by The Illinois Administrative Procedure Act for
15 the administration of licensing Acts. The Department shall
16 also exercise, subject to the provisions of this Act, the
17 following powers and duties:

18 (1) Conduct or authorize examinations to ascertain
19 the fitness and qualifications of applicants for
20 licensure and issue licenses to those who are found to be
21 fit and qualified.

22 (2) Prescribe rules for a method of examination.

23 (3) Conduct hearings on proceedings to revoke,
24 suspend, or refuse to issue, renew, or restore a license,
25 or other disciplinary actions.

26 (4) Promulgate rules and regulations required for
27 the administration of this Act.

28 (5) License corporations and partnerships for the
29 practice of professional surveying and issue a license to
30 those who qualify.

31 (6) Prescribe, adopt, and amend rules as to what
32 shall constitute a surveying or related science
33 curriculum, determine if a specific surveying curriculum

1 is in compliance with the rules, and terminate the
2 approval of a specific surveying curriculum for
3 non-compliance with such rules.

4 (7) Maintain membership in the National Council of
5 Engineering Examiners or a similar organization and
6 participate in activities of the Council or organization
7 by designating individuals for the various
8 classifications of membership and appoint delegates for
9 attendance at zone and national meetings of the Council
10 or organization.

11 (8) Obtain written recommendations from the Board
12 regarding qualification of individuals for licensing,
13 definition of curriculum content and approval of
14 surveying curriculums, standards of professional conduct
15 and disciplinary actions, promulgate and amend the rules
16 affecting these matters, and consult with the Board on
17 other matters affecting administration of the Act.

18 (a-5) The Department may promulgate rules for a Code of
19 Ethics and Standards of Practice to be followed by persons
20 licensed under this Act. The Department shall consider the
21 recommendations of the Board in establishing the Code of
22 Ethics and Standards of Practice.

23 (b) The Department shall consult with the Board in
24 promulgating rules. Notice of proposed rulemaking shall be
25 transmitted to the Board and the Department shall review the
26 Board's response and recommendations.

27 (c) The Department shall review the Board's
28 recommendation of the applicants' qualifications. The
29 Director shall notify the Board in writing with an
30 explanation of any deviation from the Board's recommendation.
31 After review of the Director's written explanation of his or
32 her reasons for deviation, the Board shall have the
33 opportunity to comment upon the Director's decision.

34 Whenever the Director is not satisfied that substantial

1 justice has been done in the revocation or suspension of a
2 license, or other disciplinary action the Director may order
3 re-hearing by the same or other boards.

4 None of the functions, powers or duties enumerated in
5 this Section shall be exercised by the Department except upon
6 the action and report in writing of the Board.

7 (Source: P.A. 91-132, eff. 1-1-00.)

8 (225 ILCS 330/8) (from Ch. 111, par. 3258)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 8. Powers and duties of the Board; quorum. Subject
11 to the provisions of this Act, the Board shall exercise the
12 following functions, powers, and duties:

13 (a) Review education and experience qualifications
14 of applicants to determine eligibility as a Professional
15 Land Surveyor or Land Surveyor-in-Training and submit to
16 the Director written recommendations on applicant
17 qualifications for licensing;

18 (b) Conduct hearings regarding disciplinary actions
19 and submit a written report to the Director as required
20 by this Act and provide a Board member at informal
21 conferences;

22 (c) Visit universities or colleges to evaluate
23 surveying curricula and submit to the Director a written
24 recommendation of acceptability of the curriculum;

25 (d) Submit a written recommendation to the Director
26 concerning promulgation or amendment of rules for the
27 administration of this Act;

28 (e) The Department may at any time seek the expert
29 advice and knowledge of the Board on any matter relating
30 to the enforcement of this Act;

31 (f) The Board may appoint a subcommittee to serve
32 as a Complaint Committee to recommend the disposition of
33 case files according to procedures established by rule;

1 (g) Hold at least 4 3 regular meetings each year;
2 and

3 (h) The Board shall annually elect a Chairperson
4 and a Vice Chairperson who shall be licensed Illinois
5 Professional Land Surveyors.

6 A quorum of the Board shall consist of a majority of
7 Board members appointed.

8 (Source: P.A. 91-132, eff. 1-1-00.)

9 (225 ILCS 330/12) (from Ch. 111, par. 3262)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 12. Qualifications for licensing.

12 (a) A person is qualified to receive a license as a
13 Professional Land Surveyor and the Department shall issue a
14 license to a person:

15 (1) who has applied in writing in the required form
16 and substance to the Department;

17 (2) (blank);

18 (3) who is of good moral character;

19 (4) who has been issued a license as a Land
20 Surveyor-in-Training;

21 (5) who, subsequent to passing an examination for
22 licensure as a Surveyor-In-Training, has at least 4 years
23 of responsible charge experience verified by a
24 professional land surveyor in direct supervision and
25 control of his or her activities ~~has-at-least-4-years--of~~
26 ~~responsible--charge--experience,--subsequent-to-passage-of~~
27 ~~an---examination---for---licensure---as---a---Land~~
28 ~~Surveyor-in-Training,--verified--by--a--Professional-Land~~
29 ~~Surveyor--in--responsible--charge---of---land---surveying~~
30 ~~operations--under-the-direct-supervision-and-control-of-a~~
31 ~~Professional-Land-Surveyor; and~~

32 (6) who has passed an examination authorized by the
33 Department to determine his or her fitness to receive a

1 license as a Professional Land Surveyor.

2 (b) A person is qualified to receive a license as a Land
3 Surveyor-in-Training and the Department shall issue a license
4 to a person:

5 (1) who has applied in writing in the required form
6 and substance to the Department;

7 (2) (blank);

8 (3) who is of good moral character;

9 (4) who has the required education as set forth in
10 this Act; and

11 (5) who has passed an examination authorized by the
12 Department to determine his or her fitness to receive a
13 license as a Land Surveyor-in-Training in accordance with
14 this Act.

15 In determining moral character under this Section, the
16 Department may take into consideration whether the applicant
17 has engaged in conduct or actions that would constitute
18 grounds for discipline under this Act.

19 (Source: P.A. 91-132, eff. 1-1-00.)

20 (225 ILCS 330/15) (from Ch. 111, par. 3265)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 15. Seal. Every Professional Land Surveyor shall
23 have a reproducible seal or facsimile, which may be computer
24 generated, the impression of which shall contain the name of
25 the land surveyor, his or her place of business, the license
26 number, of the Professional Land Surveyor, and the words
27 "Professional Land Surveyor, State of Illinois". Signatures
28 generated by computer or rubber stamp shall not be permitted.

29 A Professional Land Surveyor shall seal all documents
30 prepared by or under the direct supervision and control of
31 the Professional Land Surveyor. Any seal authorized or
32 approved by the Department under the Illinois Land Surveyors
33 Act shall serve the same purpose as the seal provided for by

1 this Act. ~~Signatures--generated--by--computer--shall--not--be~~
 2 ~~permitted.~~ The licensee's written signature and date of
 3 signing along with the date of license expiration shall be
 4 placed adjacent to the seal.

5 (Source: P.A. 90-655, eff. 7-30-98; 91-132, eff. 1-1-00.)

6 (225 ILCS 330/20) (from Ch. 111, par. 3270)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 20. Endorsement. Upon payment of the required fee,
 9 an applicant who is a Professional Land Surveyor, registered,
 10 licensed, or otherwise legally recognized as a Land Surveyor
 11 under the laws of another state or territory of the United
 12 States may be granted a license as an Illinois Professional
 13 Land Surveyor by the Department with approval of the Board
 14 upon the following conditions:

15 (a) That the applicant meets the requirements for
 16 licensing in this State, and that the requirements for
 17 licensing or other legal recognition of Land Surveyors in
 18 the particular state or territory were, at the date of
 19 issuance of the license or certificate, equivalent to the
 20 requirements then in effect in the State of Illinois; and

21 (b) That the applicant passes a jurisdictional
 22 examination to determine the applicant's knowledge of the
 23 surveying tasks unique to the State of Illinois and the
 24 laws pertaining thereto.

25 (Source: P.A. 90-602, eff. 6-26-98; 91-132, eff. 1-1-00.)

26 (225 ILCS 330/29) (from Ch. 111, par. 3279)

27 (Section scheduled to be repealed on January 1, 2010)

28 Sec. 29. Investigations; notice and hearing. A license
 29 or registration issued under the provisions of this Act may
 30 be revoked, suspended, not renewed or restored, or otherwise
 31 disciplined, or applications for license or registration may
 32 be refused, in the manner set forth in this Act. The

1 Department may, upon its own action, and shall, upon the
2 verified complaint in writing of any person setting forth
3 facts which, if proven, would constitute grounds for
4 discipline, investigate the actions of any person or other
5 entity holding, applying for or claiming to hold a license,
6 or practicing or offering to practice land surveying. Before
7 the initiation of an investigation, the matter shall be
8 reviewed by a subcommittee of the Board according to
9 procedures established by rule for the Complaint Committee.
10 The Department shall, before refusing to issue, renew or
11 restore, suspending or revoking any license or registration,
12 or imposing any other disciplinary action, at least 30 days
13 prior to the date set for the hearing, notify the person
14 accused in writing of any charges made and shall direct the
15 person or entity to file a written answer to the Board under
16 oath within 20 days after the service of the notice and
17 inform the person or entity that if the person or entity
18 fails to file an answer default will be taken and that the
19 license or certificate may be suspended, revoked, placed on
20 probationary status, or other disciplinary action may be
21 taken, including limiting the scope, nature or extent of
22 practice, as the Director may deem proper. The Department
23 shall afford the accused person or entity an opportunity to
24 be heard in person or by counsel in reference to the charges
25 changes. This written notice may be served by personal
26 delivery to the accused person or entity or certified mail to
27 the last address specified by the accused person or entity in
28 the last notification to the Department. In case the person
29 or entity fails to file an answer after receiving notice, his
30 or her license or certificate may, in the discretion of the
31 Department, be suspended, revoked, or placed on probationary
32 status, or the Department may take whatever disciplinary
33 action deemed proper, including limiting the scope, nature,
34 or extent of the person's practice or the imposition of a

1 fine, without a hearing, if the act or acts charged
2 constitute sufficient grounds for such action under this Act.
3 At the time and place fixed in the notice, the Board shall
4 hear the charges and the accused person or entity shall be
5 accorded ample opportunity to present any statements,
6 testimony, evidence and argument as may be relevant to the
7 charges or their defense. The Board may continue the hearing
8 from time to time.

9 The Board may from time to time and in co-operation with
10 the Department's legal advisors employ individual land
11 surveyors possessing the same minimum qualifications as
12 required for Board candidates to assist with its
13 investigative duties.

14 Persons who assist the Department as consultants or
15 expert witnesses in the investigation or prosecution of
16 alleged violations of the Act, licensure matters, restoration
17 proceedings, or criminal prosecutions, are not liable for
18 damages in any civil action or proceeding as a result of
19 their assistance, except upon proof of actual malice. The
20 Attorney General shall defend these persons in any such
21 action or proceeding.

22 (Source: P.A. 87-1031; 88-428.)

23 (225 ILCS 330/45) (from Ch. 111, par. 3295)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 45. Entry upon adjoining land; Liability for
26 damages. A Professional Land Surveyor, or persons under his
27 direct supervision, together with his survey party, who, in
28 the course of making a survey, finds it necessary to go upon
29 the land of a party or parties other than the one for whom
30 the survey is being made is not liable for civil or criminal
31 trespass ~~as-a-trespasser~~ and is liable only for any actual
32 damage done to the land or property.

33 (Source: P.A. 86-987.)

1 (225 ILCS 330/49) (from Ch. 111, par. 3299)
2 (Section scheduled to be repealed on January 1, 2010)
3 Sec. 49. The provisions of this Act, insofar as they are
4 the same or substantially the same as those of any prior law
5 concerning the licensure of land surveyors, shall be
6 construed as a continuation of such prior law and not as a
7 new enactment.

8 Any existing injunction or temporary restraining order
9 validly obtained under the Illinois Land Surveyors Act which
10 prohibits the unlicensed unregistered practice of land
11 surveying or prohibits or requires any other conduct in
12 connection with the practice of land surveying, or any
13 disciplinary action begun under the Illinois Land Surveyors
14 Act are not invalidated by the enactment of this Act and
15 shall continue to have full force and effect on and after the
16 effective date of this Act. All certificates of registration
17 and enrollments in effect on December 31, 1989 issued
18 pursuant to the Illinois Land Surveyors Act are reinstated
19 under this Act for the balance of the term for which last
20 issued. All rules and regulations in effect on December 31,
21 1989 and promulgated pursuant to the Illinois Land Surveyors
22 Act shall remain in full force and effect on and after the
23 effective date of this Act without being promulgated again by
24 the Department, except to the extent any such rule or
25 regulation is inconsistent with any provision of this Act.
26 (Source: P.A. 86-987.)