

IC 25-21.5

ARTICLE 21.5. LAND SURVEYORS

IC 25-21.5-1

Chapter 1. Definitions

IC 25-21.5-1-1

Application of chapter

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-2

Approved land surveying curriculum

Sec. 2. "Approved land surveying curriculum" means a land surveying curriculum of at least four (4) years that includes the fundamentals of land surveying and that has been approved by the board.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-2.5

"Authoritative"

Sec. 2.5. "Authoritative" means being presented as trustworthy and competent when used to describe products, processes, applications, or data resulting from the practice of surveying. For purposes of this article, GIS or electronic map data are not considered as authoritative survey products except when prepared by or under the supervision of a professional surveyor.

As added by P.L.57-2013, SEC.32.

IC 25-21.5-1-3

Board

Sec. 3. "Board" refers to the state board of registration for professional surveyors.

As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.33.

IC 25-21.5-1-3.5

"GIS"

Sec. 3.5. "GIS" means geographic information system.

As added by P.L.57-2013, SEC.34.

IC 25-21.5-1-3.7

"GNSS"

Sec. 3.7. "GNSS" means global navigation satellite system.

As added by P.L.57-2013, SEC.35.

IC 25-21.5-1-4

Repealed

(Repealed by P.L.57-2013, SEC.36.)

IC 25-21.5-1-5

Repealed

(Repealed by P.L.57-2013, SEC.37.)

IC 25-21.5-1-6

Licensing agency

Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5-3.

As added by P.L.23-1991, SEC.12. Amended by P.L.1-2006, SEC.443.

IC 25-21.5-1-7

"Practice of surveying"

Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

- (1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and
- (2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.

(b) Professional services provided under the practice of surveying include consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any of the following:

- (1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
- (2) Determining the size and shape of the earth, or any point on the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.
- (3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.
- (4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.
- (5) Making any survey or preparing any plat for the subdivision of any tract of land.
- (6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.

(7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

(A) dependent on;

(B) in specific relation to; or

(C) in close proximity to a boundary or property line or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.

(c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:

(1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.

(2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

(A) Geodetic control.

(B) Orthoimagery.

(C) Elevation and bathymetry.

(D) Fixed works.

(E) Government boundaries.

(F) Cadastral information.

(3) Certification of positional accuracy of maps or measured survey data.

(4) Measurement, adjustment, and authoritative interpretation of raw survey data.

(5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development

rights for individual parcels are, or may be, affected.

(6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.

(7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.

(8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

(A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

(B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;

(C) prepared for or by educational institutions for use in the curriculum of any course of study;

(D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or

(E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.

(2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.

(3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastres, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastre, if the data are clearly not intended to authoritatively represent property boundaries.

(4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar documents.

(5) The incorporation or use of documents or data bases

prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.

(6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(7) Maps, cross-sections, graphics, and data bases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document and interpret the data in the context of their respective practices.

(8) Maps and geo-referenced data bases depicting physical features and events prepared by any government agency if the access to that data is restricted by statute, including geo-referenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(e) The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of surveying as defined in this section may be performed only under the direct control and supervision of a professional surveyor or professional photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.

(f) The practice of surveying encompasses a number of disciplines, including geodetic surveying, hydrographic surveying, cadastral surveying, construction staking, route surveying, photogrammetric surveying, and topographic surveying. A professional surveyor may practice only within the surveyor's area of expertise.

As added by P.L.23-1991, SEC.12. Amended by P.L.218-1993, SEC.1; P.L.57-2013, SEC.38.

IC 25-21.5-1-8

"Practice or offer to practice surveying"

Sec. 8. "Practice or offer to practice surveying" means the act of a person who does any of the following:

(1) By verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the person as a professional surveyor.

(2) Performs or offers to perform any acts or work involving the practice of professional surveying.

As added by P.L.23-1991, SEC.12. Amended by P.L.57-2013, SEC.39.

IC 25-21.5-1-8.5

"Professional surveyor"

Sec. 8.5. "Professional surveyor" means a person who:

- (1) has special knowledge of mathematics and surveying principles and methods that are acquired by education and practical experience; and
- (2) is a registered professional surveyor.

As added by P.L.57-2013, SEC.40.

IC 25-21.5-1-9

Secretary

Sec. 9. "Secretary" has the meaning under IC 25-1-6-5(c).

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-9.7

"Surveyor intern"

Sec. 9.7. "Surveyor intern" means a person who:

- (1) has:
 - (A) graduated from an approved surveying curriculum of at least four (4) years; or
 - (B) acquired, through surveying education and experience in surveying work, knowledge and skill approximating that obtained by graduation from an approved surveying curriculum of at least four (4) years;
- (2) has successfully passed an examination as prescribed under IC 25-21.5-6; and
- (3) has been issued an appropriate certificate of enrollment as a surveyor intern under IC 25-21.5-7-2.

As added by P.L.57-2013, SEC.41.