

HOUSE BILL NO. HB0273

Survey monument preservation.

Sponsored by: Representative(s) Crank and Sommers and
Senator(s) Baldwin

A BILL

for

1 AN ACT relating to property offenses; specifying
2 requirements for construction activities that disturb
3 survey monuments; specifying requirements for professional
4 land surveyors, professional engineers and other
5 professionals concerning survey monument preservation;
6 amending grounds for disciplinary action; providing a civil
7 cause of action; providing definitions; and providing for
8 an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 34-1-154 is created to read:

13

14 **34-1-154. Survey monument preservation; procedural**
15 **requirements; liability; affirmative defense.**

1

2 (a) A survey monument shall be referenced or marked
3 by or under the direction of a professional land surveyor
4 at the expense of the person causing the disturbance prior
5 to any activity, including installation of utilities, that
6 may disturb the survey monument when adequate evidence
7 exists as to its location.

8

9 (b) Within ninety (90) days after completing the
10 activity that has disturbed a survey monument, the person
11 causing the disturbance shall, at that person's expense,
12 have the monument reestablished by or under the direction
13 of a professional land surveyor.

14

15 (c) Any professional engineer or other professional
16 licensed under chapter 4 or 29 of title 33 of the Wyoming
17 statutes who prepares construction documents or plans that
18 fail to indicate the existence and location of all survey
19 monuments within the area of construction when there is
20 adequate evidence to determine the existence and location
21 of the survey monuments shall be subject to disciplinary
22 action under W.S. 33-4-115 or 33-29-702.

23

1 (d) Any person who violates this section or is
2 convicted of a violation under W.S. 6-3-202(a) shall, in
3 addition to the penalties imposed by W.S. 6-3-202(b), be
4 liable in a civil action for the reasonable cost of
5 reestablishing any disturbed survey monument by a
6 professional land surveyor and for any reasonable attorney
7 fees incurred in bringing a civil action in a court of
8 competent jurisdiction pursuant to this subsection.

9
10 (e) For purposes of this section:

11
12 (i) "Adequate evidence" means any of the
13 following:

14
15 (A) A person has actual knowledge of the
16 existence of the survey monument;

17
18 (B) The existence of the survey monument
19 can be discovered by means of a reasonable inspection of
20 the land where the monument is located;

21
22 (C) The survey monument's location is
23 revealed on any design plan, construction document or other

1 document related to the project or activity which disturbs
2 the monument.

3

4 (ii) "Disturbed monument" means a survey
5 monument that has been damaged, defaced, destroyed or lost
6 in such a manner that the services of a professional land
7 surveyor are required to properly determine the monument's
8 original position or location;

9

10 (iii) "Survey monument" means any of the
11 following:

12

13 (A) A public land survey corner as defined
14 in W.S. 33-29-902(a)(iii);

15

16 (B) A reference monument as defined in W.S.
17 33-29-902(a)(vii);

18

19 (C) A physical object that a reasonable
20 person would understand marks the location of a corner or
21 other survey point.

22

1 **Section 2.** W.S. 6-3-202 by creating a new subsection
2 (c), 33-4-115(a)(intro), (vii) and by creating a new
3 paragraph (ix) and 33-29-702(a) by creating a new paragraph
4 (viii) are amended to read:

5
6 **6-3-202. Altering landmarks; penalties.**

7
8 (c) Any person convicted of a violation of subsection
9 (a) of this section shall, in addition to the penalties
10 imposed by subsection (b) of this section, be subject to
11 civil liability as provided in W.S. 34-1-154(d).

12
13 **33-4-115. Grounds for refusal, suspension or**
14 **revocation of license; notice; hearing; counsel at hearing.**

15
16 (a) The board may take disciplinary actions,
17 singularly or in combination, against a licensee upon a
18 finding of any of the following:

19
20 (vii) Suspension or revocation of licensure by
21 another state;~~or~~

22
23 (ix) A violation of W.S. 34-1-154(c).

1

2 **33-29-702. Grounds for disciplinary action.**

3

4 (a) An individual or business entity is subject to
5 disciplinary action for:

6

7 (viii) A violation of W.S. 34-1-154(c).

8

9 **Section 3.** This act is effective July 1, 2017.

10

11 (END)