

Resource Information

Professional Surveyor Exam

The following resources are included in this packet on Resource pages 2 through 51.

1. From the **Indiana Code** (statute law)
 - a. **IC 25-21.5-9-9.** Real Property Descriptions in Original or Retracement Surveys; Required Caption [Resources page 2]
 - b. **IC 25-21.5-9-7 and 8.** Surveyor Right of Entry [Resources page 3]
 - c. **IC 36-2-19-4.** Recording plat of survey; information included; filing ordinance; filing fee [Resources page 4]
 - d. **IC 36-2-12-10.** Maintenance of legal survey record book; procedure for establishing location of line; notice; effect or location and establishment of lines; appeal [Resources pages 5-6]
 - e. **IC 25-21.5-1-7.** Definition of the Practice of Surveying. [Resources pages 7-10]
2. From the **Indiana Administrative Code** (administrative law/regulations of the Board)
 - a. **865 IAC 1-12** (Rule 12 - The Indiana Survey Standards) [Resources pages 11-32]
 - b. **865 IAC 1-10** (Rules of Professional Conduct) [Resources pages 33-35]
 - c. **865 IAC 1-15** (Continuing Education) [Resources pages 36-42]
3. **The 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys** [Resources pages 43-51]

NOTE - It is highly recommended that these, and other resources related to Indiana laws, be kept for future reference (recognizing that they may be amended periodically and, hence become out of date).

IC 25-21.5-9

Title 25. Professions and Occupations

Article 21.5. Land Surveyors

Chapter 9. Authority of Land Surveyor

25-21.5-9-7. Land Surveyor entry on land, water, or property

Sec. 7. (a) As used in this section, "public utility" means a corporation, company, partnership, limited liability company, political subdivision (as defined in IC 36-1-2-13), individual, association of individuals, or their lessees, trustees, or receivers appointed by a court that own, operate, manage, or control any plant or equipment within Indiana for the:

- (1) conveyance of telephone messages;
- (2) production, transmission, delivery, or furnishing of heat, light, water, or power; or
- (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

(b) Subject to section 8 of this chapter and except as provided in subsection (c), a land surveyor and any personnel under the supervision of a land surveyor may enter upon, over, or under any land, water, or property within Indiana for the limited purpose of the practice of land surveying. The land surveyor and any personnel under the supervision of the land surveyor may not interfere with any construction, operation, or maintenance activity being conducted upon the land, water, or property by the owner or occupant.

(c) Notwithstanding subsection (b), a land surveyor and any personnel under the supervision of a land surveyor may not enter:

- (1) property owned or controlled by:
 - (A) the Indiana department of homeland security; or
 - (B) a public utility; or
- (2) a building, dwelling, or structure on the land or property.

25-21.5-9-8. Identification before entry; liability of damage

Sec. 8. (a) To the extent practicable, before entering upon, over, or under any land, water, or property under section 7 of this chapter, a land surveyor and any personnel under the supervision of a land surveyor shall present written identification to the occupant of the land, water, or property.

(b) A land surveyor and any personnel under the supervision of a land surveyor is liable for any damage that may occur to the land, water, or property as a result of entry upon, over, or under the land, water, or property under section 7 of this chapter.

IC 36-2-12-10

Title 36. Local Government
Article 2. Government of Counties Generally
Chapter 12. County Surveyor

IC 36-2-12-10. Maintenance of legal survey record book; procedure for establishing location of line; notice; effect or location and establishment of lines; appeal

Sec. 10. (a) The county surveyor shall maintain a legal survey record book, which must contain a record of all the legal surveys made in the county showing outline maps of each section, grant, tract, subdivision, or group of sections, grants, tracts, and subdivisions in sufficient detail so that the approximate location of each legal survey can be shown. Legal surveys shall be indexed by location.

(b) A landowner desiring to establish the location of the line between the landowner's land and that of an adjoining landowner by means of a legal survey may do so as follows:

(1) The landowner shall procure a professional surveyor registered under IC 25-21.5 to locate the line in question and shall compensate the professional surveyor.

(2) The professional surveyor shall notify the owners of adjoining lands that the professional surveyor is going to make the survey. The notice must be given by registered or certified mail at least twenty (20) days before the survey is started.

(3) The lines and corners shall be properly marked, monumented by durable material with letters and figures establishing such lines and corners, referenced, and tied to corners shown in the corner record book in the office of the county surveyor or to corners shown on a plat recorded in the plat books in the office of the county recorder.

(4) The professional surveyor shall present to the county surveyor for entry in the legal survey record book a plat of the legal survey and proof of notice to the adjoining landowners. The professional surveyor shall give notice to adjoining landowners by registered or certified mail within ten (10) days after filing of the survey.

(c) A notice under subsection (b)(4) shall include the following information:

- (1) A legal survey was performed of an adjoining property under this section.
- (2) The plat of the legal survey was filed with the county surveyor for entry into the legal survey record book.

IC 25-21.5-1-7

Title 36. Professions and Occupations

Article 21.5. Land Surveyors

Chapter 1. Definitions

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.

- (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

Rule 12. Land Surveying; Competent Practice

<u>865 IAC 1-12-1</u>	Minimum standards for competent practice of land surveying
<u>865 IAC 1-12-2</u>	Definitions; abbreviations
<u>865 IAC 1-12-3</u>	Surveyor responsibility
<u>865 IAC 1-12-4</u>	Land surveyor duty to accumulate, preserve, and share data
<u>865 IAC 1-12-5</u>	Property surveys affected
<u>865 IAC 1-12-6</u>	Field notes
<u>865 IAC 1-12-7</u>	Measurements for retracement surveys, original surveys, and route surveys
<u>865 IAC 1-12-8</u>	Theoretical uncertainty (Repealed)
<u>865 IAC 1-12-9</u>	Preliminary research and investigation on retracement surveys
<u>865 IAC 1-12-10</u>	Field work for retracement and original surveys
<u>865 IAC 1-12-11</u>	Surveyor conclusions in retracement survey
<u>865 IAC 1-12-12</u>	Publication of retracement and original survey results
<u>865 IAC 1-12-13</u>	Retracement and original survey plats
<u>865 IAC 1-12-14</u>	Original survey preliminary research
<u>865 IAC 1-12-15</u>	Original survey research analysis and conclusions (Repealed)
<u>865 IAC 1-12-16</u>	Original survey fieldwork (Repealed)
<u>865 IAC 1-12-17</u>	Publication; original survey results (Repealed)
<u>865 IAC 1-12-18</u>	Original and retracement survey monumentation
<u>865 IAC 1-12-19</u>	Original survey plats (Repealed)
<u>865 IAC 1-12-20</u>	Route survey preliminary research
<u>865 IAC 1-12-21</u>	Route survey fieldwork
<u>865 IAC 1-12-22</u>	Measurements for route surveys
<u>865 IAC 1-12-23</u>	Publication of route survey results
<u>865 IAC 1-12-24</u>	Route survey monumentation
<u>865 IAC 1-12-25</u>	Route survey plats
<u>865 IAC 1-12-26</u>	Effective date for route surveys (Repealed)
<u>865 IAC 1-12-27</u>	Surveyor location reports; purpose; scope
<u>865 IAC 1-12-28</u>	Surveyor location reports; requirements
<u>865 IAC 1-12-29</u>	Surveyor location reports; certificate
<u>865 IAC 1-12-30</u>	Section corner perpetuation

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errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level.

(i) "Retracement survey" means a survey of real property that has been previously described in documents conveying an interest in the real property.

(j) "Right-of-way" means land taken by either:

- (1) easements; or
- (2) fee simple title;

for the linear routes identified in subsection (k).

(k) "Route survey" refers to surveys executed for the purpose of acquiring an interest in the tracts of land required for the following:

- (1) Highways.
- (2) Railroads.
- (3) Waterways.
- (4) Pipelines.
- (5) Electric lines.
- (6) Any other linear transportation or utility route.

The term does not include surveys executed for acquisition parcels that are of even width and immediately adjacent to an existing title, easement, or right-of-way line and do not require a property survey in order to prepare an accurate legal description for the parcel. Route surveys are not considered either original surveys or retracement surveys.

(l) "Subdivision plat" means a plat of subdivision of land prepared in accordance with either or both of the following:

- (1) State plat statutes.
- (2) Local subdivision regulations, or both.

(m) "Theory of location" means applying:

- (1) federal laws, including 43 U.S.C. 751 through 43 U.S.C. 775;
- (2) state and local laws; and
- (3) court precedent;

to establish the position of real property corners. (*State Board of Registration for Professional Surveyors; 865 IAC 1-12-2; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3909; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1189; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2240; filed Oct 13, 1992, 5:00 p.m.: 16 IR 885; filed Oct 14, 1993, 5:00 p.m.: 17 IR 408; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1882; filed May 4, 2006, 1:25 p.m.: 29 IR 3007; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA*) NOTE: 864 IAC 1.1-13-2 was renumbered by Legislative Services Agency as 865 IAC 1-12-2.

865 IAC 1-12-3 Surveyor responsibility

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-4-2; IC 25-21.5-7-3

Sec. 3. (a) A registered land surveyor shall be personally responsible for planning and supervising the training, procedures, and daily activities of the nonregistered employees or subordinates involved in the surveys who are acting as exempt persons under IC 25-21.5-4-2. These activities will include, but not necessarily be limited to, the following:

- (1) Client contact.
- (2) Research.
- (3) Collection of field data.
- (4) Note reduction.
- (5) Computation.
- (6) Office analysis.
- (7) Drafting.
- (8) Preparation of certificates and reports.

(b) The daily activities by nonregistered employees or subordinates referred to in subsection (a) may not continue during any extended absences of the responsible registered land surveyor unless another registered land surveyor is in responsible charge during

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- (C) plats; and
 - (D) other data;
- pertinent to the area of practice.
- (3) Properly file and index for future reference those:

- (A) field notes;
- (B) computations;
- (C) maps;
- (D) plats;
- (E) photographs; and
- (F) other data;

accumulated during the survey.

(4) Provide for the long term preservation (maintenance) of the survey data. Filing of public records will partially meet this obligation. If possible, a registered land surveyor should make arrangements for the transfer of the land surveyor's records upon retirement or death.

(5) If possible, discuss the land surveyor's survey work confidentially with other registered land surveyors in the event of substantive conflicts or discrepancies revealed by the survey. These discussions must:

- (A) not violate the registered land surveyor-client confidence; and
- (B) be sufficient to discharge the registered land surveyor's obligations to the public and the profession.

(State Board of Registration for Professional Surveyors; 865 IAC 1-12-4; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2241; filed Oct 13, 1992, 5:00 p.m.: 16 IR 887; filed Mar 6, 1995, 4:00 p.m.: 18 IR 1834; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3009; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA) NOTE: 864 IAC 1.1-13-4 was renumbered by Legislative Services Agency as 865 IAC 1-12-4.

865 IAC 1-12-5 Property surveys affected

Authority: IC 25-21.5-2-14
Affected: IC 25-21.5

Sec. 5. All retracement surveys and original surveys, including all ALTA/ACSM Land Title Surveys, and all updates or recertifications of previously completed surveys must fully comply with this rule except the following:

- (1) Surveyor location reports as provided for in sections 27 through 29 of this rule are only subject to sections 1 through 4, 6, and 27 through 29 of this rule.
- (2) Construction surveys made for the purpose of marking the limits of existing easements or rights-of-way for the construction of improvements within the easement or rights-of-way must be executed by a registered land surveyor but are only subject to the provisions of sections 1 through 4 and 6 of this rule.
- (3) Delineation or demarcation and placement of any monument or markers, for example, wood stakes, flags, and rebar, for the purpose of constructing:
 - (A) fences;
 - (B) buildings;
 - (C) walls; or
 - (D) other improvements;

on or in close proximity to a land boundary must be executed by a registered land surveyor, but are only subject to sections 1 through 4 and 6 of this rule provided the land surveyor has found acceptable evidence of the boundary location in accordance with this rule. Any survey monuments or markers set in conjunction with a retracement or original survey must comply with all provisions of this rule.

(State Board of Registration for Professional Surveyors; 865 IAC 1-12-5; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; filed Oct 13, 1992, 5:00 p.m.: 16 IR 887; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1884; filed May 4, 2006, 1:25 p.m.: 29 IR 3009; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA) NOTE: 864 IAC 1.1-13-5.1 was renumbered by Legislative Services Agency as 865 IAC 1-12-5.

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Sec. 8. (Repealed by State Board of Registration for Professional Surveyors; filed May 4, 2006, 1:25 p.m.: 29 IR 3026)

865 IAC 1-12-9 Preliminary research and investigation on retracement surveys

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 9. When conducting a retracement survey, a land surveyor shall obtain the following:

(1) The record description of the:

(A) parcel to be surveyed; and

(B) adjoining properties;

to reveal any gaps or overlaps with the adjoining properties.

(2) Copies of any recorded:

(A) subdivision plats; and

(B) surveys;

that relate to the survey.

(3) From public offices, copies of any:

(A) maps;

(B) documents; and

(C) field notes;

that relate to the survey.

(4) Copies of data that relate to the survey that are available from known private sources.

(State Board of Registration for Professional Surveyors; 865 IAC 1-12-9; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2244; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1885; filed May 4, 2006, 1:25 p.m.: 29 IR 3011; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA) NOTE: 864 IAC 1.1-13-9 was renumbered by Legislative Services Agency as 865 IAC 1-12-9.

865 IAC 1-12-10 Field work for retracement and original surveys

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 10. When conducting a retracement or original survey, a land surveyor shall do the following:

(1) Search for controlling physical monuments and, when found, weigh their reliability.

(2) Search for and locate the following:

(A) Monuments that reference missing control monuments.

(B) Monuments that substantiate control monuments that have been obliterated.

(C) Other monuments and real evidence that are necessary to the survey.

(3) If necessary:

(A) investigate possible parol evidence supporting the positions of obliterated control monuments; and

(B) obtain the necessary affidavit or affidavits from individuals involved.

(4) Obtain the following:

(A) Necessary measurements to correlate all found evidence, including the relationship to adjoining properties.

(B) Sufficient check measurements to satisfactorily verify the work.

(5) Locate physical evidence of possession between adjoining and identify age of possession, for example, by parol evidence, if possible.

(6) Survey field notes shall be in the form required by section 6 of this rule.

(7) Any controlling corners that are original public land survey corners or other government corners such as land grants shall be:

(A) evaluated;

(B) perpetuated; and

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- (i) the subdivision plat;
 - (ii) previously recorded surveys;
 - (iii) monuments; or
 - (iv) evidence of possession;
- (D) if, in the registered land surveyor's opinion, the:
- (i) monuments;
 - (ii) monument witnesses;
 - (iii) evidence of possession; or
 - (iv) description;

are not consistent with the last recorded survey of the parcel;

(E) it is required by law; or

(F) the plat of survey contains land for a new subdivision plat that will subsequently be recorded. The subsequent subdivision plat must be cross-referenced to the previously recorded survey plat.

(b) Notwithstanding subsection (a)(2)(C), an original, platting surveyor setting monuments in a new subdivision in accordance with section 18 of this rule does not need to prepare or record a plat of survey or surveyor's report unless the survey reveals substantial variance with the:

- (1) subdivision plat;
- (2) existing monuments; or
- (3) evidence of possession.

(c) The recorded plat of survey shall:

- (1) show the name of the owner of the property on the recorded plat of survey according to the county tax records at the time the survey was certified; and
- (2) be cross-referenced to the latest record plat of survey of the property, if any is found.

(d) The plat of survey and the associated surveyor's report shall be recorded in the case:

- (1) an original or retracement survey (not previously recorded) that contains a proposed new subdivision plat, before recording the new subdivision plat; or
- (2) retracement or original surveys not described in subdivision (1) within:

(A) three (3) months of the survey certification date; or

(B) three (3) years and three (3) months of the survey certification date in those instances where the client signs an objection, which must contain the following statement:

I, the undersigned, hereby request that the following identified survey, certified to me:

(Indicate one (1) or both of the following:)

(i) Shall not be recorded for a period of three (3) years and three (3) months from the date of certification.

(ii) Shall not contain the name of the undersigned client on the survey recorded.

Signed: _____

Date: _____

Certifying Surveyor:

Certificate Date:

Job Number:

Brief Description:

A copy of the signed statement shall be kept with the land surveyor's file.

(e) Nothing in this rule shall:

(1) require the registered land surveyor to:

(A) furnish any survey documents to the client; or

(B) record them;

unless the client has satisfied the terms of the surveying engagement; or

(2) prevent the registered land surveyor from furnishing a pro forma copy of the survey to the client for use until the certified survey is requested provided the survey is clearly marked PRO FORMA SURVEY.

(f) Any drawings or plats prepared by a registered land surveyor, such as:

(1) plot plans;

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- (C) their location including their location relative to the surface of the ground; and
- (D) whether or not they were held as control on the survey.

Found monuments shall be accompanied by a reference to their origin when it is known. Where there is no available documented origin, it shall be so noted on the plat.

(7) The location of all monuments and physical evidence of possession on or beyond the surveyed premises on which establishment of the corners of the surveyed premises are dependent. This includes monuments on all controlling corners or lines appropriate to the description of the tract being surveyed, but in no case shall the survey show fewer than two (2) monumented corners regardless of the description of the tract. The Indiana state plane coordinate system may be used as the basis for a survey in accordance with IC 32-19; however, such use does not relieve the registered land surveyor of applying proper theory of location.

(8) Any physical evidence of possession appurtenant to either the surveyed premises or the adjoining property that is on, near, or across any exterior boundary of the premises. Show the location of such evidence by the distance to such boundary. Show any setback or easement line on the premises that may have been a factor in the location of a boundary line. Failure to show any such evidence will be taken to indicate that there was none.

(9) Any:

- (A) lakes;
- (B) streams;
- (C) known regulated drains; or
- (D) regulated drain rights-of-way;

on or within seventy-five (75) feet of the surveyed premises. A detailed location, based on applicable statutes and rules, is required when a boundary or easement is determined thereby.

(10) Any evidence of use of the surveyed premises by others.

(11) Adjoining parcels identified by title description or record reference. Contiguity, gaps, and overlaps with adjoining parcels shall be clearly shown and dimensioned. Show only the portion of adjoining tracts relevant to the location of the surveyed tract. Gaps and overlaps interior to the surveyed parcel shall be depicted but must be dimensioned only if the client requests.

(12) Any easements or setback lines affecting the survey that were created by a subdivision plat.

(13) Any other easements or setback lines affecting the survey, as required and when documentation is furnished by the client.

(14) If requested by the client, show zoning ordinance classification references. Any zoning use certifications shall be limited to those facts that can be counted or measured.

(15) The following:

- (A) Sufficient data to clearly indicate the theory of location applied in finalizing the locations of the corners.
- (B) Any data at variance with this theory of location.
- (C) Sufficient data to allow the retracement without difficulty of all pertinent lines and corners shown on the plat.

Detail that cannot be legibly depicted on the survey plat shall be otherwise explained in the surveyor's report.

(16) A certificate stating that the survey was performed wholly or in part (state which part) by or under the direction of the registered land surveyor, and to the best of the registered land surveyor's knowledge and belief was executed according to survey requirements in this rule. This certificate shall bear the:

- (A) signature;
- (B) registration number; and
- (C) seal;

of the registered land surveyor and date of the certificate.

(17) If necessary to define the location, a vicinity map shall be provided.

(c) Notwithstanding the requirements of this rule, except for section 18 of this rule, any new subdivision plat may show only the information required by the applicable subdivision control ordinance or other regulation.

(d) Any new subdivision plat recorded must be cross-referenced to a previously recorded survey, which conforms to this rule, of the tract that contains it.

(e) The certificate for a new subdivision must state that there has been no change from the matters of survey revealed by the cross-referenced survey, or any prior subdivision plats contained therein, on any lines that are common with the new subdivision. A new survey, which conforms to this rule, must be executed and recorded if there have been changes in matters of survey from those revealed by the prior recorded survey or any subdivision plats therein on any lines common with a new subdivision. (*State Board*

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Sec. 18. (a) When conducting a retracement survey or an original survey, a registered land surveyor shall be responsible to set monuments in accordance with this section.

(b) Except as provided in subsection (h) a monument, as defined in subsections (c) through (g), shall be set at every lot or parcel corner being surveyed, including the interior lots of a subdivision. Corners to be set include the beginning and end of curves and the intersection of lines except where the setting of a monument near another monument would cause confusion. Further, a monument is not required to be set if there is an existing monument at the corner that is within the limits of the relative positional accuracy for the class of survey being performed.

(c) Monuments set in unpaved or other nonimpervious locations shall be five-eighths ($\frac{5}{8}$) inch diameter or larger iron or steel rods, reinforcement bars, or galvanized pipes weighing a minimum of one (1) pound per foot and being at least twenty-four (24) inches long and set with not less than eighteen (18) inches below grade. Other monuments may be used if they:

- (1) are made of material of similar or greater durability, size, and character; and
- (2) can be found by a device capable of detecting ferrous or magnetic objects.

(d) Where practical, monuments in pavement or other impervious areas shall be set according to the requirements contained in subsection (c). However, when it is not practical to set a monument in accordance with subsection (c), then a two (2) inch or longer, one-fourth ($\frac{1}{4}$) inch or larger diameter, magnetic concrete nail, or similar magnetic monument, shall be set, if possible.

(e) Monuments set under subsection (c) or (d) shall have a substantial plastic or metal tag or cap permanently affixed showing the registered land surveyor's surname and professional license number or board-issued firm/agency identification number.

(f) Where monuments as defined in subsection (c) or (d) cannot be set, the survey points must be:

(1) marked by:

- (A) a drill hole;
- (B) a cut cross;
- (C) a notch; or
- (D) other similar permanent mark; and

(2) referenced to any nearby witness monuments or permanent objects, such as:

- (A) building foundations; or
- (B) concrete head walls.

(g) Monuments required by local ordinances shall be set provided they meet or exceed the requirements in subsections (c) and (d).

(h) Where it is not possible or practical to set a monument at the survey point:

- (1) a monument shall be offset; and
- (2) the location shall be selected so that the monument lies on a:
 - (A) line of the survey; or
 - (B) prolongation of the line.

However, offset monuments are not required at interior lot corners not adjoining a street right-of-way. Offset monuments shall be identified as such on the plat and, if possible, in the field. However, if existing monuments fall within the acceptable relative positional accuracy of the survey, a monument will not be required to be set.

(i) If recovery of the monument would be difficult due to the topography or other features of the land, the monuments shall be witnessed or referenced in such a manner that will facilitate their recovery.

(j) At the time they are set, monuments shall be marked, such as with ribbon, paint, or lath, to facilitate the recovery of the monument by the client.

(k) It shall be the responsibility of the land surveyor certifying the subdivision plat to set all monuments required by this section in a new subdivision.

(l) Monuments shall be set before providing the client with the survey documents required by this rule. However, in the case of new subdivisions where, in the opinion of the surveyor, it is probable the individual lot monuments will be disturbed by construction, only the perimeter of the subdivision, or section thereof, must be monumented before recordation. In this situation, the setting of the individual lot monuments may be delayed until no later than:

- (1) after construction is complete (including buildings); or
- (2) two (2) years after recordation of the subdivision plat or, if the subdivision is platted by sections, after recordation of each section;

whichever occurs first. In new subdivisions, if monuments are to be set before recording, then the placement of monuments shall be

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and are recoverable by other surveyors without difficulty during and after construction.

(2) Determine the location of the following:

(A) Any lines or corners, or both, necessary to describe any acquisition parcels.

(B) Any United States Public Land Survey subdivision corners that are available from the county surveyor or reasonably accessible and relevant to the route survey or acquisition parcels, or both.

(3) Set any final monuments required by section 24 of this rule, and those required by the client.

(4) Take sufficient check measurements to satisfactorily verify the work.

(5) Keep survey field notes showing all pertinent information, measurements, and observations made in the field during the course of a survey in a manner that is clear to other land surveyors who may use the information so recorded.

(6) Make necessary computations to substantiate correctness of field measurements.

(State Board of Registration for Professional Surveyors; 865 IAC 1-12-21; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2250; filed Oct 13, 1992, 5:00 p.m.: 16 IR 893; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3016; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA) NOTE: 864 IAC 1.1-13-36 was renumbered by Legislative Services Agency as 865 IAC 1-12-21.

865 IAC 1-12-22 Measurements for route surveys

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 22. (a) When conducting a route survey, the land surveyor shall be responsible to use the minimum standards of measurement for urban surveys provided for in section 7 of this rule, except that relative positional accuracy may not exceed five-tenths (0.5) feet for a route survey.

(b) Measurements generally shall be shown on the route survey plat with a number of significant figures representative of the precision of the work.

(c) The measurements specifications outlined in this section will apply to all of the following items shown on a route survey:

(1) The control survey points.

(2) Survey ties to either of the following:

(A) The nearest United States Public Land Survey subdivision corners that are reasonably accessible on both sides of the controlling survey line.

(B) Monuments with established state plane coordinates.

(3) All monuments and reference monuments, and any ties thereto, that are set relative to the controlling survey line.

(d) If the route survey references or is based on state plane coordinates or utilizes the Global Positioning System (GPS), the written surveyor's report shall identify the following:

(1) The datum and projection.

(2) The year of applicable datum adjustment.

(3) The originating or controlling monuments.

(4) The GPS base stations or positioning software used, for example, the Online Positioning User Service (OPUS).

(5) The source and format of the corrections if real time kinematic GPS was used.

(6) The Geoid model used, if applicable.

(7) The scale, elevation, and combination factors used in the coordinate calculations.

(8) Information on any translation to or from a local system.

(9) The collection processes and methodology of final positioning.

(10) Whether the distances shown are grid or ground.

(State Board of Registration for Professional Surveyors; 865 IAC 1-12-22; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2250; filed Oct 13, 1992, 5:00 p.m.: 16 IR 893; errata, 21 IR 4537; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3016; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA) NOTE: 864 IAC 1.1-13-37 was renumbered by Legislative Services Agency as 865 IAC 1-12-22.

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(b) Any identification numbers, other than the registration number of the registered land surveyor, used by a land surveying firm or government agency under section 18(d) or 18(e) of this rule must be assigned and authorized for use by the board upon written request. (*State Board of Registration for Professional Surveyors; 865 IAC 1-12-24; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2252; filed Oct 13, 1992, 5:00 p.m.: 16 IR 894; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3018; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA*) NOTE: 864 IAC 1.1-13-39 was renumbered by Legislative Services Agency as 865 IAC 1-12-24.

865 IAC 1-12-25 Route survey plats

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 25. When conducting a route survey, a land surveyor shall prepare a route survey plat as follows:

(1) Draw the route survey plat to scale and in such a manner that the data shown for the relevant parcel or parcels is clearly legible when the plat is reduced to sheets suitable for recording in the county in which the survey was conducted.

(2) Show the following:

- (A) The north arrow and scale, including a graphic scale.
- (B) A vicinity map to define the location of the project.
- (C) All pertinent dimensions. Dimensions not measured shall be noted as to their origin or that they were calculated.
- (D) Sufficient data to allow the retracement, without difficulty, of all the created lines and points.
- (E) All:

- (i) survey line;
- (ii) centerline;
- (iii) reference;
- (iv) right-of-way;
- (v) property;
- (vi) government; or
- (vii) other pertinent;

monuments that were set or found, and any reference ties thereto.

(3) Identify all monuments indicating which were set and which were found and their character, size, and location relative to the surface of the ground. Found monuments shall be accompanied by a:

- (A) reference to their origin when it is known; or
- (B) notation that there is no available documented reference of the origin.

(4) Locate all monuments using an accepted practice such as:

- (A) Indiana state plane coordinates;
- (B) station and offset;
- (C) course and distance; or
- (D) local coordinates;

including the basis for the system used.

(5) Show and locate any right-of-way points, lines, or tracts that have been created or proposed relative to the initial control survey points.

(6) Show the following:

- (A) The owners' names at the time of the survey (as determined by the county tax records or if later information is known by that information).
- (B) The approximate location of any property lines that may be:
 - (i) coincident with;
 - (ii) intersect with; or enclosed by, any proposed or depicted right-of-way lines.
- (C) The name of the client or government agency. Include their project or file number if known, and the surveyor's file number.

(7) Include a certification that:

- (A) states that, to the best of the registered land surveyor's knowledge and belief, the route survey is executed according

865180404RFA) NOTE: 864 IAC 1.1-13-42 was renumbered by Legislative Services Agency as 865 IAC 1-12-27.

865 IAC 1-12-28 Surveyor location reports; requirements

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 28. When conducting a surveyor location report, a registered land surveyor shall do the following:

(1) Briefly describe and show the location of visible evidence of possession. Show the location of this evidence by the shortest dimension to:

- (A) the nearest adjacent boundary line; or
- (B) any depicted easement line;

in order to reveal the extent of any possible encroachment. The statement "No visible evidence of possession found" must be noted along record boundary lines when applicable. (For this purpose, monuments found do not constitute evidence of possession.)

(2) Show the location, dimensions, and a brief description of all buildings or structures on the property including, but not limited to, the following:

- (A) Driveways.
- (B) Parking lots.
- (C) Personal property, such as aboveground swimming pools or yard barns.

Show the location of buildings adjacent to the boundary lines by the shortest distance thereto, and dimension any violation of a depicted easement or building setback line. Identify any buildings that appear to have no foundation and may be readily moveable. Show the name of the occupant, if easily available, and any client identification data requested.

(3) Show the location of and briefly describe any visible evidence of use by others, such as for:

- (A) roadways;
- (B) utility lines;
- (C) driveways; or
- (D) possible joint use of driveways (do not label as "joint" or "common");

that may affect the surveyed tract. Note the name of the user, if marked (for example, joint use by electric, telephone, and cable television companies on poles marked with electric company tags). With respect to any railroad on or adjoining the property, note if the tracks have been removed. If that is the case, note any visible evidence of construction, trenching, or other use observed on or along the railroad.

(4) Show the location and recording data for any easements or setback lines on the tract as determined from:

- (A) recorded documents provided by the client; or
- (B) a recorded plat.

(5) Show the location of the perimeter of any visible evidence of cemeteries found on the surveyed tract.

(6) Show the approximate size, location, and brief description of any lakes, ditches, or streams on the tract or any known regulated drains on or within seventy-five (75) feet of the property. Detailed locations are required when:

- (A) a boundary is determined thereby; or
- (B) buildings or other improvements are located within a legal drain easement.

(7) Show the name and location of any road, street, alley, or other public way abutting or on the surveyed property with the:

- (A) width of the traveled way;
- (B) known right-of-way lines;
- (C) source of any known right-of-way information indicated. If not known, note which records, if any, were searched.

(8) Physical access to the property, or lack thereof, must be shown.

(9) Show the:

- (A) Drawing scale.
- (B) A north arrow.
- (C) Property description and address.
- (D) Surveyor's:
 - (i) job number;

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1992, 5:00 p.m.: 16 IR 896; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 268; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed May 4, 2006, 1:25 p.m.: 29 IR 3020; readopted filed Nov 9, 2012, 11:26 a.m.: 20121205-IR-865120390RFA; readopted filed Nov 29, 2018, 10:35 a.m.: 20181226-IR-865180404RFA) NOTE: 864 IAC 1.1-13-44 was renumbered by Legislative Services Agency as 865 IAC 1-12-29.

865 IAC 1-12-30 Section corner perpetuation

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5; IC 36-2-12

Sec. 30. (a) This section outlines the procedures and requirements for registered land surveyors when perpetuating the location of original public land survey or grant corners. As used in this section, "grant" means a subdivision, parcel, or tract of land that existed, or the parent tract of which existed, prior to the commencement of the United States Public Land Survey adjoining such subdivision, parcel, or tract.

(b) The purported location of an original public land survey or grant corner as referenced by the county surveyor of the county in which the corner exists is prima facie evidence of that corner's location. The registered land surveyor's responsibility with regard to the use of or need for original public land survey corners or grant corners in association with an original or retracement survey is not met by merely contacting the county surveyor.

(c) If the:

(1) location of an original public land survey or grant corner is not monumented and referenced by the county surveyor in accordance with Indiana Code 36-2-12; or

(2) registered land surveyor discovers evidence, or otherwise has reason to believe, that a monument purporting to mark the location of an original public land survey or grant corner is not in the proper location;

and if that corner is necessary for purposes of conducting an original, retracement, or route survey as defined in this rule, the registered land surveyor shall contact the county surveyor and perpetuate that corner's location in accordance with this section if the county surveyor is unable to perpetuate the corner in the time frame required by the registered land surveyor.

(d) A registered land surveyor shall perpetuate the location of an original public land survey or grant corner by gathering evidence that may assist in determining the original location of that corner. This evidence includes, but is not limited to, the following:

(1) Copies of:

(A) The original public land survey field notes and plat or transcribed copies of same.

(B) Deeds and plats that reference the location of the corner.

(C) Historic survey records, road, street, highway, and bridge plans, corner records, recorded surveys and other relevant information from the county surveyor, county recorder or other county, state and municipal offices.

(D) Current or historic aerial photographs.

(E) Records from private surveyors who practice or used to practice in the vicinity of the corner.

(2) Parol evidence from knowledgeable landowners or others who may have information relating to the corner.

(3) The field location of:

(A) Fences.

(B) Walls.

(C) Roadways.

(D) Survey markers.

(E) Tree lines.

(F) Other lines of possession.

(G) Interrelated or nearby section corners, quarter section corners, quarter-quarter corners, or other aliquot corner of a section, and corners of common report.

(e) After evaluating and weighing the evidence outlined in subsection (d), the registered land surveyor shall do the following:

(1) Apply appropriate theory of location to determine the probable locations of the corner.

(2) Excavate or otherwise determine if there is a subsurface monument in those locations unless, in the registered land surveyor's opinion, there is no substantial possibility of:

(A) a corner stone; or

(B) other historical survey monument;

Sec. 9. The land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the land surveyor's testimony.

Sec. 10. The land surveyor will issue no statement, criticism, or argument on land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the land surveyor has prefaced the comment:

- (1) by explicitly identifying himself or herself;
- (2) by disclosing the identities of the party, or parties, on whose behalf the land surveyor is speaking; and
- (3) (3) by revealing the existence of any pecuniary interest the land surveyor may have in the instant matters.

[Section 11 has been repealed]

Sec. 12. The land surveyor shall:

- (1) avoid all known conflicts of interest with an employer or client; or
- (2) promptly inform the employer or client of any business association, interest, or circumstances that could influence judgment or quality of services.

Sec. 13. The land surveyor shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

Sec. 14. The land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the land surveyor is responsible.

Sec. 15. The land surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

Sec. 16. When in public service as a member, advisor, or employee of a governmental body or department, the land surveyor shall not participate in considerations or actions with respect to services provided by the land surveyor or the land surveyor's organizations in private land surveying practices.

Sec. 17. The land surveyor shall not solicit or accept a land surveying contract from a governmental body on which a principal or officer of the land surveyor's organization serves as a member.

Sec. 18. The land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies.

Sec. 19. The land surveyor shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.

Sec. 20. The land surveyor shall not falsify or permit misrepresentation of the land surveyor's or the land surveyor's associates' academic or professional qualifications. The land surveyor shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the land surveyor's past accomplishments, with the intent and purpose of enhancing the land surveyor's qualifications and work.

Sec. 21. The land surveyor shall not knowingly associate with or permit the use of the land surveyor's name or firm name in a business venture by any person or firm which the land surveyor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

[Sections 22-24 have been repealed]

Sec. 25. The land surveyor shall notify the board, in writing, within thirty (30) days of any disciplinary action taken against the:

- (1) land surveyor; or
- (2) the land surveyor's license or registration;
in any other state or jurisdiction.

Sec. 4. (a) Two (2) hours of continuing education credit will be granted per hour of time spent as a lecturer, instructor, or discussion leader in a continuing education course that meets the requirements of sections 5 through 7 of this rule.

(b) Continuing education credit as provided for under subsection (a) will be granted only the first time an approved course is presented per biennium.

Sec. 5. (a) To qualify as continuing education under this rule as provided for in IC 25-1-4-0.5, a course must be an orderly process of instruction that is:

- (1) approved by an approved organization (as defined by IC 25-1-4-0.2) or the board; and
- (2) designed to directly enhance the land surveyor's knowledge and skill in providing land surveying services relevant to the profession of land surveying.

(b) Qualifying continuing education courses are categorized either as mandatory under section 6 of this rule or elective under section 7 of this rule.

Sec. 6. The following topics and course content are defined as mandatory by the board in qualifying as continuing education under IC 25-1-4-0.5 and section 5 of this rule:

- (1) 865 IAC 1-10, rules of professional conduct.
- (2) 865 IAC 1-12, if taught in a comprehensive manner.
- (3) 865 IAC 1-12-3, surveyor responsibility.
- (4) 865 IAC 1-12-7, measurements for retracement surveys, original surveys, and route surveys.
- (5) 865 IAC 1-12-11, surveyor conclusions in retracement surveys.
- (6) 865 IAC 1-12-12, publication of retracement and original survey results.
- (7) 865 IAC 1-12-13, retracement and original survey plats.
- (8) 865 IAC 1-12-20 through 865 IAC 1-12-25, route surveys.
- (9) 865 IAC 1-12-27 through 865 IAC 1-12-29, surveyor location reports.
- (10) 865 IAC 1-12-30, section corner perpetuation.
- (11) IC 25-21.5, Indiana land surveyor's registration act.
- (12) IC 25-21.5-1-7(a)(4), the preparation of legal descriptions for tracts of land to be used in the preparation of deeds of conveyance or other instruments.

Sec. 7. The following topics and course content are defined as elective by the board in qualifying as continuing education under IC 25-1-4-0.5 and section 5 of this rule:

- (1) Mandatory topics as defined in section 6 of this rule.
- (2) College level mathematics.
- (3) College level physical sciences.

- (3) include, at the end of the course, an examination that is graded by the provider;
- (4) be completed within one (1) year of enrollment in the course; and
- (5) provide for confirmation of successful completion of the course by the provider.

Sec. 9. (a) A course qualifies for continuing education credit if it:

- (1) meets the requirements of sections 5 through 7 of this rule;
- (2) if the course is a distance learning course, meets the requirements of section 8 of this rule; and
- (3) either is approved by:
 - (A) an approved organization as defined in IC 25-1-4-0.2; or
 - (B) the board under subsection (b) or (c).

(b) A course provider that is not approved by an approved organization as defined in IC 25-1-4-0.2 may request specific board approval of a continuing education course by submitting on a form provided by the board the following information:

- (1) A course outline demonstrating that the course content meets the requirements of sections 5 through 7 of this rule.
- (2) The name and address of the provider.
- (3) The telephone number of a contact person for the provider.
- (4) The name and address of each instructor.
- (5) Biographical information for each instructor sufficient to demonstrate their qualifications to competently teach the course as provided for in section 11 of this rule.
- (6) The number of mandatory or elective hours being requested for approval.
- (7) The student evaluation form for evaluations under section 23 of this rule.

(c) A registered land surveyor may request specific board approval of any continuing education course by submitting course material.

The following information must be provided:

- (1) The following information about the course:
 - (A) The course title.
 - (B) The course outline or a description demonstrating that the course content meets the requirements of section 5 of this rule and section 6 or 7 of this rule.
 - (C) The location where the course was taught.
 - (D) The date the course was taught.
 - (E) The name, telephone number, and address of the provider.
 - (F) The name and address of each instructor.

Sec. 13. (a) Registered land surveyors may apply to the board to renew their licenses in an inactive status.

(b) No continuing education is required to renew inactive.

(c) An inactive registered land surveyor may not practice land surveying while in an inactive status. (State Board of

Sec. 14. To reactivate an inactive license, a registered land surveyor must:

(1) apply to the board for reactivation on the application form supplied by the board; and

(2) pay the same fee required to renew an active license.

Sec. 15. Registered land surveyors who have been inactive for a period of six (6) years or less at the date the reactivation application is filed must either:

(1) pass part IIB of the next regularly scheduled land surveyor examination; or

(2) show proof of having completed twenty-four (24) hours of continuing education in accordance with section 2 of this rule, within the two (2) year period immediately prior to the date the reactivation application is filed.

Sec. 16. Registered land surveyors who have been inactive for a period of more than six (6) years at the date the reactivation application is filed must:

(1) pass part IIB of the next regularly scheduled land surveyor examination; and

(2) show proof of having completed twenty-four (24) hours of continuing education in accordance with section 2 of this rule, within the two (2) year period immediately prior to the date the reactivation application is filed.

Sec. 17. This section applies to all registered land surveyors who reactivate an inactive license by establishing the number of hours of continuing education required for the time period between reactivation and the renewal date in the table in this section in order to qualify to renew active. Registered land surveyors must complete the mandatory continuing education required in section 6 of this rule unless the requirement in the table in this section is zero (0). Additional hours of continuing education required in the following table may be met by taking courses of elective topics that meet the requirements of section 7 of this rule:

Date of Activation [Hours required to renew active]

August 1 to October 31 of first 12 months of license period [24 hours]

November 1 to January 31 of first 12 months of license period [21 hours]

February 1 to April 30 of first 12 months of license period [18 hours]

May 1 to July 31 of first 12 months of license period [15 hours]

August 1 to October 31 of second 12 months of license period [12 hours]

November 1 to January 31 of second 12 months of license period [9 hours]

**MINIMUM STANDARD DETAIL REQUIREMENTS FOR
ALTA/NSPS LAND TITLE SURVEYS**
(Effective February 23, 2021)

1. **Purpose** - Members of the American Land Title Association® (ALTA) have specific needs, unique to title insurance matters, when asked to insure title to land without exception as to the many matters which might be discoverable from survey and inspection, and which are not evidenced by the public records.

For a survey of real property, and the plat, map or record of such survey, to be acceptable to a title insurance company for the purpose of insuring title to said real property free and clear of survey matters (except those matters disclosed by the survey and indicated on the plat or map), certain specific and pertinent information must be presented for the distinct and clear understanding between the insured, the client (if different from the insured), the title insurance company (insurer), the lender, and the surveyor professionally responsible for the survey.

In order to meet such needs, clients, insurers, insureds, and lenders are entitled to rely on surveyors to conduct surveys and prepare associated plats or maps that are of a professional quality and appropriately uniform, complete, and accurate. To that end, and in the interests of the general public, the surveying profession, title insurers, and abstracters, the ALTA and the NSPS jointly promulgate the within details and criteria setting forth a minimum standard of performance for ALTA/NSPS Land Title Surveys. A complete 2021 ALTA/NSPS Land Title Survey includes:

- (i) the on-site fieldwork required pursuant to Section 5,
- (ii) the preparation of a plat or map pursuant to Section 6 showing the results of the fieldwork and its relationship to documents provided to or obtained by the surveyor pursuant to Section 4,
- (iii) any information from Table A items requested by the client, and
- (iv) the certification outlined in Section 7.

2. **Request for Survey** - The client shall request the survey, or arrange for the survey to be requested, and shall provide a written authorization to proceed from the person or entity responsible for paying for the survey. Unless specifically authorized in writing by the insurer, the insurer shall not be responsible for any costs associated with the preparation of the survey. The request must specify that an "ALTA/NSPS LAND TITLE SURVEY" is required and which of the optional items listed in Table A, if any, are to be incorporated. Certain properties or interests in real properties may present issues outside those normally encountered on an ALTA/NSPS Land Title Survey (e.g., marinas, campgrounds, mobile home parks, easements, leases, mineral interests, other non-fee simple interests). The scope of work related to surveys of such properties or interests in real properties should be discussed with the client, lender, and insurer, and agreed upon in writing prior to commencing work on the survey. When required, the client shall secure permission for the surveyor to enter upon the property to be surveyed, adjoining properties, or offsite easements.

3. **Surveying Standards and Standards of Care**

- A. **Effective Date** - The 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys are effective February 23, 2021. As of that date, all previous versions of the Minimum Standard Detail Requirements for ALTA/ACSM or ALTA/NSPS Land Title Surveys are superseded by these standards.
- B. **Other Requirements and Standards of Practice** - Many states and some local jurisdictions have adopted statutes, administrative rules, and/or ordinances that set out standards regulating the practice of surveying within their jurisdictions. In addition to the standards set forth herein, surveyors must also conduct their surveys in accordance with applicable jurisdictional survey requirements and standards of practice. Where conflicts between the standards set forth herein and any such jurisdictional requirements and standards of practice occur, the more stringent must apply.

6.B.x. below.

4. **Records Research** - It is recognized that for the performance of an ALTA/NSPS Land Title Survey, the surveyor will be provided with appropriate and, when possible, legible data that can be relied upon in the preparation of the survey. In order to complete an ALTA/NSPS Land Title Survey, the surveyor must be provided with the following:
- A. The current record description of the real property to be surveyed or, in the case of an original survey prepared for purposes of locating and describing real property that has not been previously separately described in documents conveying an interest in the real property, the current record description of the parent parcel that contains the property to be surveyed;
 - B. Complete copies of the most recent title commitment or, if a title commitment is not available, other title evidence satisfactory to the title insurer;
 - C. The following documents from records established under state statutes for the purpose of imparting constructive notice of matters relating to real property (public records):
 - i. The current record descriptions of any adjoiners to the property to be surveyed, except where such adjoiners are lots in platted, recorded subdivisions;
 - ii. Any recorded easements benefitting the property to be surveyed; and
 - iii. Any recorded easements, servitudes, or covenants burdening the property to be surveyed; and
 - D. If desired by the client, any unrecorded documents affecting the property to be surveyed and containing information to which the survey shall make reference.

Except, however, if the documents outlined in this section are not provided to the surveyor or if non-public or quasi-public documents are otherwise required to complete the survey, the surveyor must conduct that research which is required pursuant to the statutory or administrative requirements of the jurisdiction where the surveyed property is located and that research (if any) which is negotiated and outlined in the terms of the contract between the surveyor and the client.

5. **Fieldwork** - The survey must be performed on the ground (except as may be otherwise negotiated pursuant to Table A, Item 15 below). Except as related to the precision of the boundary, which is addressed in Section 3.E. above, features located during the fieldwork shall be located to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (a) the planned use of the surveyed property, if reported in writing to the surveyor by the client, lender, or insurer, or (b) the existing use, if the planned use is not so reported. The fieldwork shall include the following:

A. Monuments

- i. The location, size, character, and type of any monuments found during the fieldwork.
- ii. The location, size, character, and type of any monuments set during the fieldwork, if item 1 of Table A was selected or if otherwise required by applicable jurisdictional requirements and/or standards of practice.
- iii. The location, description, and character of any lines that control the boundaries of the surveyed property.

B. Rights of Way and Access

- i. The distance from the appropriate corner or corners of the surveyed property to the nearest right of way line, if the surveyed property does not abut a right of way.
- ii. The name of any street, highway, or other public or private way abutting the surveyed property, together with the width of the travelled way and the location of each edge of the travelled way including on divided streets and highways. If the documents provided to or obtained by the surveyor pursuant to Section 4 indicate no access from the surveyed property to the abutting street or highway, the width and location of the travelled way need not be located.
- iii. Visible evidence of physical access (e.g., curb cuts, driveways) to any abutting streets, highways, or other public or private ways.
- iv. The location and character of vehicular, pedestrian, or other forms of access by other than the apparent occupants of the surveyed property to or across the surveyed property observed in the process of conducting the fieldwork (e.g., driveways, alleys, private roads, railroads, railroad sidings and spurs, sidewalks, footpaths).

As accurately as the evidence permits, the perimeter of cemeteries and burial grounds, and the location of isolated gravesites not within a cemetery or burial ground, (i) disclosed in the documents provided to or obtained by the surveyor, or (ii) observed in the process of conducting the fieldwork.

G. Water Features

- i. The location of springs, ponds, lakes, streams, rivers, canals, ditches, marshes, and swamps on, running through, or outside, but within five feet of, the perimeter boundary of the surveyed property and observed during the process of conducting the fieldwork.
- ii. The location of any water feature forming a boundary of the surveyed property. The attribute(s) of the water feature located (e.g., top of bank, edge of water, high water mark) should be congruent with the boundary as described in the record description or, in the case of an original survey, in the new description (see Section 6.B.vi. below).

6. Plat or Map - A plat or map of an ALTA/NSPS Land Title Survey shall show the following information. Where dimensioning is appropriate, dimensions shall be annotated to what is, in the surveyor's professional opinion, the appropriate degree of precision based on (a) the planned use of the surveyed property, if reported in writing to the surveyor by the client, lender, or insurer, or (b) existing use, if the planned use is not so reported.

A. Field Locations. The evidence and locations gathered, and the monuments and lines located during the fieldwork pursuant to Section 5 above, with accompanying notes if deemed necessary by the surveyor or as otherwise required as specified below.

B. Boundary, Descriptions, Dimensions, and Closures

- i. (a) The current record description of the surveyed property, or
(b) In the case of an original survey, the current record document number of the parent tract that contains the surveyed property.
- ii. Any new description of the surveyed property that was prepared in conjunction with the survey, including a statement explaining why the new description was prepared. Except in the case of an original survey, preparation of a new description should be avoided unless deemed necessary or appropriate by the surveyor and insurer. Preparation of a new description should also generally be avoided when the record description is a lot or block in a platted, recorded subdivision. Except in the case of an original survey, if a new description is prepared, a note must be provided stating (a) that the new description describes the same real estate as the record description or, (b) if it does not, how the new description differs from the record description.
- iii. The point of beginning, the remote point of beginning or point of commencement (if applicable) and all distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared). Where a measured or calculated dimension differs from the record by an amount deemed significant by the surveyor, such dimension must be shown in addition to, and differentiated from, the corresponding record dimension. All dimensions shown on the survey and contained in any new description must be horizontal ground dimensions unless otherwise noted.
- iv. The direction, distance, and curve data necessary to compute a mathematical closure of the surveyed boundary. A note if the record description does not mathematically close. The basis of bearings and, where it differs from the record basis, the difference.
- v. The remainder of any recorded lot or existing parcel, when the surveyed property is composed of only a portion of such lot or parcel, shall be graphically depicted. Such remainder need not be included as part of the actual survey, except to the extent necessary to locate the lines and corners of the surveyed property, and it need not be fully dimensioned or drawn at the same scale as the surveyed property.
- vi. When the surveyed property includes a title line defined by a water boundary, a note on the face of the plat or map noting the date the boundary was measured, which attribute(s) of the water feature was/were located, and the caveat that the boundary is subject to change due to natural causes and that it may or may not represent the actual location of the limit of title. When the surveyor is aware of natural or artificial realignments or changes in such

- recording data of the subdivision plat.
- vii. Platted setback or building restriction lines that appear on recorded subdivision plats or that were disclosed in documents provided to, or obtained by, the surveyor.
 - viii. If in the process of preparing the survey the surveyor becomes aware of a recorded easement not otherwise listed in the title evidence provided, the surveyor must advise the insurer prior to delivery of the plat or map and, unless the insurer provides evidence of a release of that easement, show or otherwise explain it on the face of the plat or map, with a note that the insurer has been advised.

D. Presentation

- i. The plat or map must be drawn on a sheet of not less than 8 ½ by 11 inches in size at a legible, standard engineering scale, with that scale clearly indicated in words or numbers and with a graphic scale.
- ii. The plat or map must include:
 - (a) The boundary of the surveyed property drawn in a manner that distinguishes it from other lines on the plat or map.
 - (b) If no buildings were observed on the surveyed property in the process of conducting the fieldwork, a note stating "No buildings observed."
 - (c) A north arrow (with north to the top of the drawing when practicable).
 - (d) A legend of symbols and abbreviations.
 - (e) A vicinity map showing the surveyed property in reference to nearby highway(s) or major street intersection(s).
 - (f) Supplementary or detail diagrams when necessary.
 - (g) Notes explaining any modifications to Table A items and the nature of any additional Table A items (e.g., 20(a), 20(b), 20(c)) that were negotiated between the surveyor and client.
 - (h) The surveyor's project number (if any), and the name, registration or license number, signature, seal, street address, telephone number, company website, and email address (if any) of the surveyor who performed the survey.
 - (i) The date(s) of any revisions made by the surveyor who performed the survey.
 - (j) Sheet numbers where the plat or map is composed of more than one sheet.
 - (k) The caption "ALTA/NSPS Land Title Survey."
- iii. When recordation or filing of a plat or map is required by state statutes or local ordinances, such plat or map shall be produced in the required form.

7. **Certification** - The plat or map of an ALTA/NSPS Land Title Survey must bear only the following unaltered certification except as may be required pursuant to Section 3.B. above:

To (name of insured, if known), (name of lender, if known), (name of insurer, if known), (names of others as negotiated with the client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items _____ of Table A thereof. The fieldwork was completed on _____ [date].

Date of Plat or Map: _____ (Surveyor's signature, printed name and seal with Registration/License Number)

8. **Deliverables** - The surveyor shall furnish copies of the plat or map of survey to the insurer and client and as otherwise negotiated with the client. Hard copies shall be on durable and dimensionally stable material of a quality standard acceptable to the insurer. A digital image of the plat or map may be provided in addition to, or in lieu of, hard copies pursuant to the terms of the contract. If the surveyor is required to record or file a plat or map pursuant to state statute or local ordinance it shall be so recorded or filed.

division or party walls with respect to adjoining properties.

11. Evidence of underground utilities existing on or serving the surveyed property (in addition to the observed evidence of utilities required pursuant to Section 5.E.iv.) as determined by:

- _____ (a) plans and/or reports provided by client (with reference as to the sources of information)
- _____ (b) markings coordinated by the surveyor pursuant to a private utility locate request.

Note to the client, insurer, and lender – With regard to Table A, item 11, information from the sources checked above will be combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

12. _____ As specified by the client, Governmental Agency survey-related requirements (e.g., HUD surveys, surveys for leases on Bureau of Land Management managed lands). The relevant survey requirements are to be provided by the client or client's designated representative.

13. _____ Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."

14. _____ As specified by the client, distance to the nearest intersecting street.

15. _____ Rectified orthophotography, photogrammetric mapping, remote sensing, airborne/mobile laser scanning and other similar products, tools or technologies as the basis for showing the location of certain features (excluding boundaries) where ground measurements are not otherwise necessary to locate those features to an appropriate and acceptable accuracy relative to a nearby boundary. The surveyor must (a) discuss the ramifications of such methodologies (e.g., the potential precision and completeness of the data gathered thereby) with the insurer, lender, and client prior to the performance of the survey, and (b) place a note on the face of the survey explaining the source, date, precision, and other relevant qualifications of any such data.

16. _____ Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.

17. _____ Proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction. Evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

18. _____ Pursuant to Sections 5 and 6 (and applicable selected Table A items, excluding Table A item 1), include as part of the survey any plottable offsite (i.e., appurtenant) easements disclosed in documents provided to or obtained by the surveyor.

19. _____ Professional liability insurance policy obtained by the surveyor in the minimum amount of \$_____ to be in effect throughout the contract term. Certificate of insurance to be furnished upon request, but this item shall not be addressed on the face of the plat or map.

20. _____

Adopted by the American Land Title Association on October 1, 2020. More at: www.alta.org.
Adopted by the National Society of Professional Surveyors on October 30, 2020. More at: www.nspss.us.com.