

Whenever an existing rule is being amended, the text of the existing rule will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

This rule will partially go into effect **June 3, 2006** and partially in effect on **August 1, 2006**.

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Final Rule

LSA Document #05-82(F)

DIGEST

Amends 865 IAC 1-1 to revise the definitions and board meeting scheduling. Amends 865 IAC 1-2 to revise the minimum education and experience requirements established under IC 25-21.5-5-2 for admission to the land surveyor and land surveyor-in-training examination. Amends 865 IAC 1-3-2 concerning students enrolled in an approved land surveying curriculum submitting the SIT examination application to a board designee on the student's campus. Amends 865 IAC 1-4 to update and clarify requirements concerning examinations. Amends 865 IAC 1-5 to revise the standards for comity registration. Amends 865 IAC 1-7 to revise the design, application, and use of the land surveyor seal and to establish the definitions, standards, and requirements for the use of electronic or digital signatures. Amends 865 IAC 1-8-1 to clarify language regarding the payment of renewal fees. Amends 865 IAC 1-9 to require a registrant to identify the address of all the offices that the registrant is in responsible charge of land surveying work and to require a registrant to notify the board of any change in the registrant's address and office address. Amends 865 IAC 1-10-2 to bring the agreement to abide by the acts and rules into conformity with the changes to the definitions. Revises 865 IAC 1-10-11 and 865 IAC 1-10-12 to update the disclosure of conflicts of interest. Amends 865 IAC 1-11-1 to bring the fees charged by the board into conformity with the changes to the definitions. Amends 865 IAC 1-12 to revise the standards for the competent practice of land surveying. Amends 865 IAC 1-13 to revise the continuing education requirements for registered land surveyors. Amends 865 IAC 1-14 to revise the requirements for land surveyor continuing education providers. Repeals 865 IAC 1-4-9, 865 IAC 1-10-11, 865 IAC 1-12-8, 865 IAC 1-12-15, 865 IAC 1-12-16, 865 IAC 1-12-17, 865 IAC 1-12-19, and 865 IAC 1-12-26. Partially effective 30 days after filing with the Secretary of State and partially effective August 1, 2006.

865 IAC 1-1-1	865 IAC 1-11-1	865 IAC 1-12-25
865 IAC 1-1-2	865 IAC 1-12-2	865 IAC 1-12-26
865 IAC 1-2-1	865 IAC 1-12-3	865 IAC 1-12-27
865 IAC 1-2-2	865 IAC 1-12-4	865 IAC 1-12-28
865 IAC 1-3-2	865 IAC 1-12-5	865 IAC 1-12-29
865 IAC 1-4-3	865 IAC 1-12-7	865 IAC 1-12-30
865 IAC 1-4-6	865 IAC 1-12-8	865 IAC 1-13-2

865 IAC 1-4-7	865 IAC 1-12-9	865 IAC 1-13-5
865 IAC 1-4-8	865 IAC 1-12-10	865 IAC 1-13-7
865 IAC 1-4-9	865 IAC 1-12-12	865 IAC 1-13-8
865 IAC 1-5-1	865 IAC 1-12-13	865 IAC 1-13-10
865 IAC 1-5-2	865 IAC 1-12-14	865 IAC 1-13-11
865 IAC 1-7-1	865 IAC 1-12-15	865 IAC 1-13-19
865 IAC 1-7-2	865 IAC 1-12-16	865 IAC 1-14-2
865 IAC 1-7-3	865 IAC 1-12-17	865 IAC 1-14-13
865 IAC 1-7-4	865 IAC 1-12-18	865 IAC 1-14-14
865 IAC 1-8-1	865 IAC 1-12-19	865 IAC 1-14-15
865 IAC 1-9-1	865 IAC 1-12-20	865 IAC 1-14-16
865 IAC 1-10-2	865 IAC 1-12-21	
865 IAC 1-10-11	865 IAC 1-12-22	
865 IAC 1-10-12	865 IAC 1-12-23	
865 IAC 1-10-25	865 IAC 1-12-24	

SECTION 1. 865 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-1-1 Definitions; abbreviations

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-1-5; IC 25-21.5-5-2

Sec. 1. (a) The **definitions in IC 25-21.5-1** and the following definitions apply throughout this title:

~~(1) “The act” means the Registration Act, IC 25-21.5, creating a board to regulate the practice of land surveying in Indiana.~~

(1) “Applicant” means any individual whose application has been received by the board for consideration to be registered as a land surveyor or for enrollment as a SIT in the state of Indiana.

(2) “Approved land surveying curriculum”, when used relative to a land surveyor or SIT applicant, means a four (4) year or more curriculum leading to a bachelor's degree in land surveying that is approved by the board.

(3) “Board” means state board of registration for land surveyors.

(4) “Comity” means a principle by which the board, under IC 25-21.5-7-4, licenses persons to practice land surveying on the basis of land surveying licenses issued by other states.

(5) “Date of registration” means the date of the certificate that was assigned by the board.

~~(2) (6) “Land surveyor” means one and the same as a registered land surveyor.~~

~~(3) (7) “Registrant” means an individual land surveyor to whom a certificate of registration has been granted under the act. IC 25-21.5.~~

~~(4) (8) “SIT” means an enrolled land-surveyor-in-training as defined in IC 25-21.5-1-5.~~

~~(5) “Applicant” means any individual whose application has been received by the board for consideration to be registered as a land surveyor or for enrollment as a SIT in the state of Indiana.~~

~~(6) “Approved land surveying curriculum”, when used relative to a land surveyor or SIT applicant, means a four (4) year or more curriculum leading to a bachelor's degree in land surveying which is approved by the board.~~

(9) “Valid enrollment”, when used relative to SIT, means that the certificate of enrollment held by the individual is current and not suspended or revoked.

~~(7) (10) “Work experience”, when used relative to a land surveyor, means acceptable experience in land surveying work which that conforms to the provisions of IC 25-21.5-5-2.~~

~~(8) “Valid enrollment”, when used relative to SIT, means that the certificate of enrollment held by the individual is current and not suspended or revoked.~~

~~(9) “Date of registration” means the date of the certificate which was assigned by the board.~~

~~(10) “Comity” means a principle by which the board licenses persons to practice land surveying on the basis land surveying licenses issued by other states.~~

~~(11) “FE” means the applicable fundamental examination portion of the registration examination for land surveyors, otherwise described as Part I of the respective examinations, IC 25-21.5-6-1.~~

~~(b) The terms defined in IC 25-21.5-1 shall have the same definitions when used in this title. (State Board of Registration for Land Surveyors; Rule 1, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 626; filed Oct 17, 1986, 2:20 p.m.: 10 IR 434; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3904; filed Oct 13, 1992, 5:00 p.m.: 16 IR 873; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1-1-1 was renumbered by Legislative Services Agency as 865 IAC 1-1-1.~~

SECTION 2. 865 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-1-2 Meetings of board

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-2-11

Sec. 2. In order to establish the regular meetings provided for in IC 25-21.5-2-11 and provide for special meetings of the board, the board adopts the following:

(1) One (1) of the regular meetings of the board shall be held as soon as practicable after the start of the calendar year, at which meeting the board shall elect a ~~chairman~~ **chairperson** and a vice ~~chairman~~ **chairperson** from among its members. ~~Such officers~~ **The chairperson and vice chairperson may also** be elected ~~also~~ at any other meeting when a vacancy exists.

~~(2) Another regular meeting shall be held as near as practicable to the middle of the calendar year.~~

~~(3) (2) The chairman~~ **chairperson** or any three (3) members may call a special meeting by presenting a request to the **Indiana** professional licensing agency.

~~(4) (3) The Indiana~~ professional licensing agency shall give a notice to all board members of each meeting:

(A) setting out the time and place of the meeting; and

(B) including a proposed agenda of the major items for action at the meeting;

not less than ten (10) days ~~prior to~~ **before** the meeting, unless ~~such the~~ notice has been waived by the ~~chairman~~ **chairperson**.

(State Board of Registration for Land Surveyors; Rule 1, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 627; filed Oct 17, 1986, 2:20 p.m.: 10 IR 435; filed Oct 13, 1992, 5:00 p.m.: 16 IR 874; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-1-3 was renumbered by Legislative Services Agency as 865 IAC 1-1-2.

SECTION 3. 865 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-2-1 Land surveyors; education and work experience

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-1-7; IC 25-21.5-5-2

Sec. 1. (a) This section establishes the minimum education and experience requirements under IC 25-21.5-5-2 for admission to the land surveyor examination.

(b) **Prior to January 3, 2009**, the table in this subsection establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-21.5-5-2 for land surveyor registration applicants. For all levels of education stated, except for no degree, the required experience must be obtained following receipt of a bachelor's degree. However, experience obtained either before or after graduation may be counted in which case the total amount of experience for each educational level stated in the table, except no degree, shall be increased by one (1) year in addition to the amount stated for the particular education level. The requirements are as follows:

Education	Minimum Years of Work Experience
Doctorate in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	2
Master's degree in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	3
Bachelor's degree in a board-approved land surveying curriculum	4
Doctorate in land surveying following a	

bachelor's degree that is not in a board-approved land surveying curriculum	3
Master's degree in land surveying following bachelor's degree that is not in a board-approved land surveying curriculum	4
Bachelor's degree that is not in a board-approved land surveying curriculum	5
No degree but meets the college course requirements stated in subsection (e) (d)	6

(c) After January 2, 2009, the table in this subsection establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-21.5-5-2 for land surveyor registration applicants. For all levels of education stated, a minimum of one-half (½) of the required experience must be obtained following receipt of the first degree obtained. The requirements are as follows:

Education	Minimum Years of Work Experience
Doctorate in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	2
Master's degree in land surveying discipline following bachelor's degree in a board-approved land surveying curriculum	3
Bachelor's degree in a board-approved land surveying curriculum	4
Doctorate in land surveying following a bachelor's degree that is not in a board-approved land surveying curriculum	3
Master's degree in land surveying following bachelor's degree that is not in a board-approved land surveying curriculum	4
Bachelor's degree that is not in a board-approved land surveying curriculum	5
Associate degree and meets the college course requirements stated in subsection (d)	6

~~(e)~~ **(d)** The education of all applicants must include the following minimum level of education:

- (1) Twelve (12) semester credit hours in college level mathematics, including at least ~~four (4)~~ **a three (3)** semester credit hour course in calculus or differential equations.
- (2) ~~Six (6)~~ **Five (5)** semester credit hours in college level physics.
- (3) Six (6) semester credit hours in any of the following college level ~~physical~~ science subjects:
 - (A) Chemistry.
 - (B) Astronomy.

- (C) Physics.
- (D) Geology.
- (E) Botany.
- (F) Dendrology.

(4) Twenty-seven (27) semester credit hours in college level land surveying courses consisting of the following:

(A) ~~At least eighteen (18) semester credit hours in~~ Courses in each of the following six (6) subjects **totaling at least eighteen (18) semester credit hours:**

- (i) Land survey systems.
- (ii) Property surveys.
- (iii) Property descriptions, writing, and analysis.
- (iv) Surveying law.
- (v) Surveying calculations, including mensuration statistics.
- (vi) Subdivision planning and design.

(B) ~~At least nine (9) semester credit hours in~~ Courses in at least three (3) of the following subjects **totaling at least nine (9) semester credit hours:**

- (i) Topographic surveying.
- (ii) Photogrammetric surveying.
- (iii) Route surveying.
- (iv) Construction surveying.
- (v) Control surveying.

One (1) basic engineering course related to roads, storm drainage, and sanitary sewer extensions may be counted toward ~~this requirement.~~ **the requirements of this clause.**

~~(d)~~ (e) No degree requirement under this section will be satisfied by obtaining an honorary or correspondence degree.

~~(e)~~ (f) College courses with a substantial duplication of content may be counted only one (1) time toward the education requirements in this section.

~~(f)~~ (g) Applicants for land surveyor registration or **land-surveyor-in-training** certification may be required to submit detailed course descriptions of any courses for which credit is claimed.

~~(g)~~ (h) Notwithstanding other provisions of this section, applicants who hold a valid land-surveyor-in-training certificate do not need any additional education beyond that ~~which was~~ required for admission to the land-surveyor-in-training examination, so long as they apply for admission to the land surveyor examination ~~no~~ **not** later than:

~~(1) January 2, 2003; or~~

~~(2)~~ five (5) years after the first examination application deadline (as provided for in 865 IAC 1-3-3) subsequent to the date the applicant passed the land-surveyor-in-training examination that was the basis for issuance of the land-surveyor-in-training certification.;

~~whichever is later.~~

~~(h)~~ (i) The board may require an evaluation of foreign education to allow the board to compare an applicant's courses with the board's course requirements.

~~(j)~~ **(j)** All land surveying experience required by subsection (b) **or subsection (c)** must be acquired under the supervision of:

- (1) a registered land surveyor registered by the state of Indiana;**
- (2) a land surveyor registered or licensed by another state or territory of the United States; or**
- (3) the foreign equivalent to a registered land surveyor;**

appropriate to where the experience was obtained.

~~(k)~~ **(k)** No experience obtained ~~prior to~~ **before** the applicant's eighteenth birthday shall qualify under this section.

~~(l)~~ **(l)** At least ~~half~~ **one-half ()** of the required land surveying experience must be acquired in a state or territory in the United States under the supervision of a land surveyor registered in that state or territory.

~~(m)~~ **(m)** The land surveying experience must:

- (1) be progressive in nature; and**
- (2) show that the applicant has demonstrated the ability to assume continuously increasing levels of responsibility and sophistication in the land surveying activities listed in 865 IAC 1-12-3(a).**

~~(n)~~ **(n)** ~~Not less than~~ **At least** sixty percent (60%) of an applicant's land surveying experience **required under subsection (b) or subsection (c)** must be in the activities listed in **the following:**

- (1) IC 25-21.5-1-7(a)(1). and**
- (2) IC 25-21.5-1-7(a)(3) through IC 25-21.5-1-7(a)(5).**

~~(o)~~ **(o)** The board may require an applicant to provide additional information relating to the applicant's land surveying experience. *(State Board of Registration for Land Surveyors; Rule 2, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 436; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Oct 13, 1992, 5:00 p.m.: 16 IR 874; filed Jun 17, 1999, 1:57 p.m.: 22 IR 3415, eff Jan 3, 2003; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237)* **NOTE: 864 IAC 1.1-2-3 was renumbered by Legislative Services Agency as 865 IAC 1-2-1.**

SECTION 4. 865 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-2-2 Land-surveyors-in-training; education and work experience

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5-3

Sec. 2. (a) The education and experience requirements of section 1 of this rule for land surveyor applicants apply for land surveyor-in-training applicants, except that **applicants with:**

- ~~(1) applicants who do not have a an associate (or no degree prior to January 3, 2009) degree but meet and meeting~~ **(1) applicants who do not have a an associate (or no degree prior to January 3, 2009) degree but meet and meeting** the education requirements of section ~~1(e)~~ **1(d)** of this rule shall be required to obtain ~~only~~ **two (2) years of work experience;**

(2) ~~applicants with~~ a bachelor's degree that is not in a board approved land surveying curriculum ~~but meet and meeting~~ the education requirements of section ~~1(e)~~ **1(d)** of this rule shall be required to obtain ~~only~~ one (1) year of work experience; and

(3) ~~applicants with~~ the other degrees listed in section 1(b) **or 1(c)** of this rule shall not be required to obtain any work experience.

(b) An applicant who is enrolled as a senior in a land surveying curriculum in a college or university that has an approved land surveying curriculum may take the last **land-surveyor-in-training** examination offered on the individual's campus ~~prior to~~ **before** the applicant's scheduled graduation. This subsection does not apply to any applicant enrolled in any other bachelor's degree program. (*State Board of Registration for Land Surveyors; Rule 2, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 438; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Oct 13, 1992, 5:00 p.m.: 16 IR 875; filed Jun 17, 1999, 1:57 p.m.: 22 IR 3417, eff Jan 3, 2003; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*)
NOTE: 864 IAC 1.1-2-5 was renumbered by Legislative Services Agency as 865 IAC 1-2-2.

SECTION 5. 865 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-3-2 Land-surveyor-in-training; application

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 2. (a) A student enrolled in an approved land surveying curriculum ~~shall~~ **may** submit the application to sit for the ~~SIF~~ **land-surveyor-in-training** examination to the designee of the board, **if any**, located on the student's campus.

(b) All other applicants shall submit their applications to the board's office. (*State Board of Registration for Land Surveyors; Rule 3, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Oct 13, 1992, 5:00 p.m.: 16 IR 875; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*) *NOTE: 864 IAC 1.1-3-3 was renumbered by Legislative Services Agency as 865 IAC 1-3-2.*

SECTION 6. 865 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-4-3 Content of land surveying examinations; scheduling of examinations

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-6-1

Sec. 3. (a) The examination for registration as a land surveyor shall consist of two (2) parts as described in IC 25-21.5-6-1. Part I shall be known as the **basic disciplines** (fundamentals of land surveying) examination. Part II shall be:

(1) known as the principles and practice examination; and ~~shall be~~

(2) divided into two (2) sections.

Section A shall consist of matters concerning principles and practice except for laws applicable to land surveying specific to Indiana. Section B shall concern laws applicable to land surveying specific to Indiana. In order to be granted registration as a land surveyor, the applicant must pass Part I, Part IIA, and Part IIB.

(b) The examination for certification as a land-surveyor-in-training shall be the ~~fundamentals~~ **basic disciplines** examination described in subsection (a).

(c) Regularly scheduled examinations will be held in April and October each year. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-3; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Oct 13, 1992, 5:00 p.m.: 16 IR 876; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*) NOTE: 864 IAC 1.1-4.1-4 was renumbered by Legislative Services Agency as 865 IAC 1-4-3.

SECTION 7. 865 IAC 1-4-6 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-4-6 Examination attempts for registration as a land surveyor

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 6. (a) This section and section 7 of this rule apply to the examination for registration as a land surveyor.

(b) An applicant who does not pass the entire examination in the first attempt shall be entitled to take it two (2) additional times provided that both of the applicant's additional examinations are taken no later than the fourth regularly scheduled examination after the failure of the first examination.

~~(c) Notwithstanding subsection (b), an applicant who has two (2) or more examination attempts remaining prior to July 1, 2001, shall only have two (2) additional examination attempts remaining after June 30, 2001. Both of those examination attempts must be used prior to June 30, 2003.~~

~~(d) Notwithstanding subsection (b), an applicant who has one (1) examination attempt remaining prior to July 1, 2001, shall only have one (1) additional examination attempt remaining after June 30, 2001. The examination attempt must be used prior to June 30, 2002.~~

~~(e)~~ (c) An applicant who passes one (1) or two (2) parts of the land surveyor examination:

- (1) Part I;
- (2) Part IIA; or
- (3) Part IIB;

in any prior taking of the examination allowed under subsection (b), shall not be required to again take and pass that part or those parts in the remaining examination attempts allowed by subsection (b).

~~(d)~~ (d) Upon exhaustion of all of the examination attempts allowed under subsection (b), the application shall be deemed terminated. (*State Board of Registration for Land Surveyors; 865 IAC 1-4-6; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Oct 13, 1992, 5:00 p.m.: 16 IR 877; filed May 4, 2001, 11:10 a.m.: 24 IR 2696, eff Jul 1, 2001; readopted filed May 22, 2001, 9:55 a.m.:*

24 IR 3237) NOTE: 864 IAC 1.1-4.1-7 was renumbered by Legislative Services Agency as 865 IAC 1-4-6.

SECTION 8. 865 IAC 1-4-7 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-4-7 Terminated applications; reapplication for admission, qualifications

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5-2

Sec. 7. (a) An individual whose application has been deemed terminated under ~~section 6(f)~~ **section 6(d)** of this rule may reapply for admission to the examination.

(b) In order for readmission to be granted, the applicant must have completed the following:

(1) Since the termination of the application, nine (9) or more semester hours credit (or its equivalent) of college level courses in land surveying.

(2) Appropriate experience of the type required under IC 25-21.5-5-2 for the period of at least three (3) years ~~immediately preceding~~ **after termination but before** the filing of the reapplication.

(c) An applicant who is readmitted to an examination under this section shall be treated as if the applicant had not previously taken the examination for all purposes under sections 4 and 6 of this rule. However, if the applicant has previously passed Part I of ~~this the~~ land surveyor examination, the applicant shall not be required to retake Part I. ~~as long as the applicant's second examination was taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination.~~ *(State Board of Registration for Land Surveyors; 865 IAC 1-4-7; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1066; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Oct 13, 1992, 5:00 p.m.: 16 IR 877; filed May 4, 2001, 11:10 a.m.: 24 IR 2696, eff Jul 1, 2001; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-4.1-8 was renumbered by Legislative Services Agency as 865 IAC 1-4-7.*

SECTION 9. 865 IAC 1-4-8 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-4-8 Examination attempts for certification as a land surveyor-in-training

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 8. (a) This section applies to the examination for certification as a land surveyor-in-training.

(b) An applicant who does not pass the **entire examination in the first attempt shall be entitled to** ~~may~~ take it two (2) additional times provided that **both of the applicant applicant's** ~~applies for the second and third examination~~ **additional examinations** ~~within two (2) years of~~ **are taken no later than the date fourth regularly scheduled examination after the failure** of the first examination. ~~Any individual who took the examination the first time after January 1, 2002, shall be entitled to the third attempt.~~ *(State Board of Registration for Land Surveyors; 865 IAC 1-4-8; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed*

May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 15, 2002, 3:33 p.m.: 26 IR 1105) NOTE: 864 IAC 1.1-4.1-9 was renumbered by Legislative Services Agency as 865 IAC 1-4-8.

SECTION 10. 865 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-5-1 Comity registration standards

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-7-4

Sec. 1. ~~In order to define “a standard not lower than that specified in the applicable registration act in effect in the state at the time such certificate (in other state) was issued” IC 25-21.5-7-4, the board adopts the following:~~

~~(1) An applicant for comity registration shall have a valid certificate as a land surveyor in another state.~~

~~(2) When the basis of registration in who meets the other state of registration was at a standard lower than current Indiana at the time the original license was secured, the board will assign to the applicant those parts of the examination registration requirements as are needed, found in the board's judgment, IC 25-21.5 and this title shall be deemed to meet the standards. requirements of IC 25-21.5-7-4.~~

(State Board of Registration for Land Surveyors; Rule 5, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-5-1 was renumbered by Legislative Services Agency as 865 IAC 1-5-1.

SECTION 11. 865 IAC 1-5-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-5-2 Land surveyor applicant

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 2. ~~(a)~~ A land surveyor:

~~(1) registered in another state;~~

~~(2) making application for registration in Indiana; and who is~~

~~(3) otherwise qualified;~~

shall be assigned Part IIB of the land surveyor examination as described in 865 IAC 1-4-3.

~~(b) Subject to passing the examination set out in subsection (a), registration may be granted to an applicant having education and acceptable work experience which meets one (1) of the following conditions:~~

~~(1) Passed a sixteen (16) hour written examination in land surveying which included eight (8) hours in land surveying fundamentals and had four (4) years of work experience.~~

~~(2) Originally registered between July 10, 1961, and August 17, 1969, inclusive, passed a sixteen (16) hour written examination in land surveying, and had one (1) year of work experience.~~

~~(3) Originally registered between January 1, 1950, and July 9, 1961, inclusive, passed the complete written examination given at that time in the state of registration but not less than eight (8) hours, and had one (1) year of work experience.~~

~~(4) Originally registered between July 1, 1935, and December 31, 1949, inclusive, graduated from an approved land surveying curriculum, and had two (2) years of work experience.~~

~~(5) Originally registered prior to June 30, 1935.~~

(State Board of Registration for Land Surveyors; Rule 5, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 631; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2285; filed Oct 13, 1992, 5:00 p.m.: 16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-5-3 was renumbered by Legislative Services Agency as 865 IAC 1-5-2.

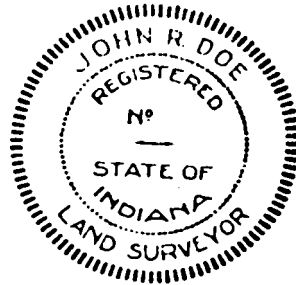
SECTION 12. 865 IAC 1-7-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-7-1 Design and contents of seal

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. (a) The land surveyor seal shall be not less than one and five-eighths (1 $\frac{1}{2}$) inches or more than one and seven-eighths (1 $\frac{7}{8}$) inches in outside diameter, using the following design:



(b) The seal may:

(1) be:

(A) embossed;

(B) stamped; or

(C) electronically applied; ~~by a rubber stamp~~

in conformance with the design as shown in subsection (a); ~~The seal may~~
and

(2) have:

(A) a milled edge, as shown **in subsection (a)**; or

(B) two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate of registration.

(State Board of Registration for Land Surveyors; Rule 7, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Oct 13, 1992, 5:00 p.m.:

16 IR 878; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-7-2 was renumbered by Legislative Services Agency as 865 IAC 1-7-1.

SECTION 13. 865 IAC 1-7-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-7-2 Application of seal; signature

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

- Sec. 2. (a) The seal shall be affixed to documents and instruments only:
- (1) during the time the certificate of registration:
 - (A) is current; and
 - (B) has not been suspended or revoked; and ~~then only~~
 - (2) on ~~such~~ documents and instruments ~~which that~~ have been created by the:
 - (A) registrant; or ~~by the~~
 - (B) regularly employed and directly supervised subordinates of the registrant.

The registrant shall be responsible for seeing that the seal, however affixed, shall be legible on the document.

- (b) Whenever a registrant affixes the seal, ~~it~~ **the document** shall have **the**:

- (1) ~~the~~ registrant's signature; and
- (2) ~~the~~ date the seal is being affixed;

directly adjacent ~~to the seal~~, but not across, the seal.

(c) As an alternative to placing the items required by subsection (b) directly adjacent to the seal, the items may be at another location on the sheet provided the sheet is ~~inscribed as~~ **“This document is otherwise properly certified. by _____”**.

(d) When a registrant is in responsible charge of land surveying work for which one (1) or more:

- (1) specifications;
- (2) plans; and
- (3) drawings;

are required to be submitted for review by ~~the state building commissioner or other a~~ governmental body, the registrant shall apply the seal in the full manner required by this section on each page of all drawings or plans and on the title page of all specifications.

(e) A registrant who is not in responsible charge of the entire work, but assumes responsibility for portions of the work included on any page of:

- (1) specifications;
- (2) plans; or
- (3) drawings;

shall affix the seal in the manner required by this section on all title pages and on all pages on which the registrant's work appears.

(f) When affixing the seal under the requirements of subsection (e), the registrant shall denote the registrant's part of the work by inserting below the registrant's signature and date, the following:

COVERING _____ DESIGN.

(State Board of Registration for Land Surveyors; Rule 7, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; filed Oct 13, 1992, 5:00 p.m.: 16 IR 879; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-7-3 was renumbered by Legislative Services Agency as 865 IAC 1-7-2.

SECTION 14. 865 IAC 1-7-3 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-7-3 Use of seal and signature; acceptance of full responsibility

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 3. (a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a limited responsibility for portions of the work in accordance with ~~of~~ section 2(e) of this rule.

(b) A registrant may include in the registrant's plans certain products that have become established as acceptable for the proposed use when ~~such~~ **the** items:

- (1) meet standards established by nonprofit trade organizations;
- (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency;
- (3) are mechanical or other types of machinery or systems guaranteed by a reputable manufacturer; or
- (4) do not affect the ~~structural~~ safety of the project.

(State Board of Registration for Land Surveyors; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 13, 1992, 5:00 p.m.: 16 IR 879; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1882) NOTE: 864 IAC 1.1-7-4 was renumbered by Legislative Services Agency as 865 IAC 1-7-3.

SECTION 15. 865 IAC 1-7-4 IS ADDED TO READ AS FOLLOWS:

865 IAC 1-7-4 Use of electronic or digital signatures

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 4. (a) **This section establishes the requirements for the use of seals and signatures in electronic transactions.**

(b) **The following definitions apply throughout this section:**

- (1) **"Document" means a:**
 - (A) **report;**
 - (B) **specification;**
 - (C) **drawing;**
 - (D) **plan; or**
 - (E) **plat;**

in physical form pertaining to land surveying that requires certification by a registered land surveyor by application of a seal or stamp, a signature, and a date.

(2) "Electronic document" means an electronic data file that is capable of being:

- (A) viewed by use of a computer and video monitor; or
- (B) converted into a document by use of a computer and printer or plotter.

(3) "Electronic seal" means a digital facsimile of an original seal.

(4) "Electronic signature" means a digital signature associated with an electronic document that shall carry the same:

- (A) weight;
- (B) authority; and
- (C) effect;

as an original signature.

(5) "Electronic transmission" means the transmission of electronic data files from one (1) computer to another. The term includes the manual delivery of electronic data storage media from one (1) person or entity to another.

(6) "Original seal" means a:

- (A) rubber stamp;
- (B) electronic stamp; or
- (C) embossing seal;

meeting the design requirements set out in section 1 of this rule.

(7) "Original signature" means the signature of a registrant affixed to a document in accordance with section 2 of this rule.

(8) "Registrant" has the meaning set forth in 865 IAC 1-1-1(7).

(9) "Signature" means either:

- (A) original; or
- (B) electronic;

signature.

(c) An electronic signature and seal shall be permitted in place of an original seal and signature when the following criteria are met:

(1) The electronic signature and seal are as follows:

- (A) The unique identification of the registrant.
- (B) Verifiable.
- (C) Attached to or associated with the electronic document in such a manner that is clear to the recipient that they represent the signature and seal of the registered land surveyor.

(2) The electronic signature is under the registrant's direct control.

(3) The registrant maintains a permanent digital copy of the electronically transmitted document for future verification purposes.

(d) A registrant may electronically transmit an electronic document without affixing an electronic signature provided there is inserted the following language instead of an image of a seal, signature, and date:

(A) "Not a Certified Document"; or

(B) “Pro Forma Survey”;
as appropriate. This language shall not be required for documents electronically transmitted to a commercial printer or blueprint service for the purpose of reproducing documents or to the registrant’s own employer or employees. (State Board of Registration for Land Surveyors; 865 IAC 1-7-4)

SECTION 16. 865 IAC 1-8-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-8-1 Renewal

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. (a) The board has adopted the following to clarify and implement the payment of renewal fees on a biennial basis:

(1) For purposes of biennial renewal, the postmark on the envelope containing the remittance will be considered the date of payment.

(2) When any required fees are not paid on time:

(A) the certificate of registration becomes invalid;

(B) the individual cannot lawfully practice or offer to practice land surveying; and

(C) the individual’s name will be deleted from future rosters;

until the renewal fee and required delinquent fee ~~is~~ **are** paid.

(b) A registered land surveyor applying for license renewal shall certify on the application that the registered land surveyor has complied with the continuing education requirements under 865 IAC 1-13.

(c) The board may require **the following:**

(1) Verification of any information submitted by the registered land surveyor. ~~and may require~~

(2) The registered land surveyor to submit evidence supporting the course credit claimed.

(State Board of Registration for Land Surveyors; Rule 8, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 17, 1986, 2:20 p.m.: 10 IR 422; filed Oct 13, 1992, 5:00 p.m.: 16 IR 880; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1024; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-8-1 was renumbered by Legislative Services Agency as 865 IAC 1-8-1.

SECTION 17. 865 IAC 1-9-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-9-1 Publication and contents of rosters

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. In order to establish the time of publication of rosters in conjunction with the biennial collection of renewal fees, the board adopts the following:

(1) As soon as practicable after the completion of the biennial renewals in each even-numbered year, the board will publish a roster showing the

names and addresses of land surveyors who are valid registrants until the date shown in the roster.

(2) It shall be the responsibility of each registrant to ~~keep~~ **notify** the board ~~advised of any change in~~ the registrant's ~~latest~~ **addresses** and ~~such any~~ supplementary roster information ~~if any, which~~ **that** is to be included in the roster. **The registrant shall maintain proof of the notification.**

(3) **All land surveyors engaging in the practice of land surveying in the state of Indiana must identify on a form specified by the board the address of all offices at which the land surveyor is practicing land surveying.**

(State Board of Registration for Land Surveyors; Rule 9, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Oct 13, 1992, 5:00 p.m.: 16 IR 880; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-9-1 was renumbered by Legislative Services Agency as 865 IAC 1-9-1.

SECTION 18. 865 IAC 1-10-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-10-2 Agreement to abide by IC 25-21.5 and rules

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-5

Sec. 2. Each applicant shall certify on the application that he has read and agrees to abide by ~~the Act~~ **IC 25-21.5** and the Rules of the Board in force at the time. *(State Board of Registration for Land Surveyors; Rule 11, Sec 2; filed Feb 29, 1980, 3:40 pm: 3 IR 634; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-11-2 was renumbered by Legislative Services Agency as 865 IAC 1-10-2.*

SECTION 19. 865 IAC 1-10-12 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-10-12 Disclosure of conflict of interest

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 12. The land surveyor shall:

(1) avoid all known conflicts of interest with an employer or client; ~~and~~ **shall or**

(2) promptly inform the employer or client of any business association, interest, or circumstances ~~which~~ **that** could influence judgment or quality of services.

(State Board of Registration for Land Surveyors; Rule 11, Sec 13; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Oct 13, 1992, 5:00 p.m.: 16 IR 882; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-11-13 was renumbered by Legislative Services Agency as 865 IAC 1-10-12.

SECTION 20. 865 IAC 1-10-25 IS ADDED TO READ AS FOLLOWS:

865 IAC 1-10-25 Revocation or suspension of license in another jurisdiction; effect

Authority: IC 25-1-11; IC 25-21.5-2-14

Affected: IC 25-21.5

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. (*State Board of Registration for Land Surveyors; 865 IAC 1-10-25*)

SECTION 21. 865 IAC 1-11-1 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-11-1 Fees charged by board

Authority: IC 25-1-8-2; IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) For review of an application for examination for certification and enrollment as a land surveyor-in-training, one hundred dollars (\$100).

(2) For review of an application for examination for registration as a land surveyor, three hundred dollars (\$300).

(3) The fee for the examination or reexamination of any applicant under ~~the Act~~ **IC 25-21.5** is the payment of the applicant's cost of purchasing the examination, payable to the examination service.

(4) For the processing and review of qualifications for registration as a land surveyor by comity, five hundred dollars (\$500).

(5) For issuance of the original certificate to practice as a registered land surveyor following passage of the examination or approval for registration on the basis of comity when the certificate is dated between August 1 of an:

(A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); or

(B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).

(6) For biennial renewal of the certificate to practice as a registered land surveyor, a renewal fee of one hundred dollars (\$100) and a fee of two dollars (\$2) for each hour of continuing education required both payable no later than July 31 of each even-numbered year. No fee shall be required to renew a certificate in inactive status under 865 IAC 1-13-13.

(7) For renewal of an expired certificate to practice as a registered land surveyor, one hundred dollars (\$100), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

(8) For a duplicate or replacement certificate to practice as a registered land surveyor, twenty-five dollars (\$25).

(9) For a replacement pocket card to practice as a registered land surveyor, ten dollars (\$10).

(10) The fee shall be one hundred dollars (\$100) for the proctoring of examinations taken in this state for purposes of registration in other states.

This fee shall be in addition to the examination fee.

(State Board of Registration for Land Surveyors; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4110; filed Sep 16, 2004, 9:00 a.m.: 28 IR 605, eff Nov 1, 2004; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2390)
NOTE: 864 IAC 1.1-12-1 was renumbered by Legislative Services Agency as 865 IAC 1-11-1.

SECTION 22. 865 IAC 1-12-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-2 Definitions; abbreviations

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5-4-2

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) “ALTA/ACSM Land Title Survey” refers to an original or retracement survey conducted in accordance with the “Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys” as the requirements are adopted by the:

- (1) American Land Title Association;**
- (2) National Society of Professional Surveyors; or**
- (3) American Congress on Surveying and Mapping.**

~~(b)~~ **(c) “Controlling monument” means any undisturbed artificial, physical, or record monument called for in a record plat or land title description and controls any combination of the:**

- (1) location;**
- (2) dimensions; ~~and~~ or**
- (3) configuration;**

of the described tract.

~~(c)~~ **(d) “EDM” refers to electronic distance measurements.**

~~(d)~~ **(e) “Land surveyor” means either of the following:**

- (1) A registered land surveyor. ~~or~~**
- (2) An individual who is as follows:**
 - (A) An employee or subordinate of a registered land surveyor. ~~and~~**
 - (B) Exempt from licensure under IC 25-21.5-4-2.**

~~(e)~~ **(f) “Original survey” means a survey that is executed for the purpose of locating and describing real property that has not been previously described in documents conveying an interest in ~~said~~ the real property.**

~~(f)~~ (g) “Registered land surveyor” means an individual who has been registered by the board in the profession of land surveying under IC 25-21.5.

(h) “Relative positional accuracy” means the value expressed in feet or meters that represents the uncertainty due to random 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.

~~(g)~~ (i) “Retracement survey” means a survey of real property that has been previously described in documents conveying an interest in ~~said~~ the real property.

~~(h)~~ (j) “Right-of-way” means ~~that~~ land taken by either:

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

for the linear routes identified in subsection ~~(i)~~: (k).

~~(i)~~ (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. ~~or~~
- (6) Any other linear transportation or utility route.

~~It~~ **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.

~~(j)~~ (l) “Subdivision plat” means a plat of subdivision of land prepared in accordance with **either or both of the following**:

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

~~(k)~~ “Theoretical uncertainty” refers to ~~theoretical uncertainty of measurements.~~

~~(l)~~ “Theoretical uncertainty of measurements” means the radius of a circle, which circumscribes an area, that contains the probable true location of a specified point.

(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; ~~together with~~ **and**
- (3) court precedent;

to establish the position of real property corners.

~~(n)~~ “~~tu~~” refers to ~~theoretical uncertainty~~. (*State Board of Registration for Land 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*) NOTE: 864 IAC 1.1-13-2 was renumbered by Legislative Services Agency as 865 IAC 1-12-2.

SECTION 23. 865 IAC 1-12-3 IS AMENDED TO READ AS FOLLOWS:

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 the land surveyor's absence.

(c) The procedures followed and the decisions made by persons under the registered land surveyor's supervision shall be regularly and systematically reviewed and approved by the registered land surveyor ~~prior to~~ **before** signing the survey plat.

(d) "Supervision", as used in this section, shall be deemed to require **the following**:

- (1) Such control by the registered land surveyor, that the registered land surveyor can certify that he or she:
 - (A) is knowledgeable of; and
 - (B) has reviewed and approved;all actions pertaining to the surveys by persons not licensed who have participated in the survey. ~~and~~
- (2) That all persons participating in the survey shall be regular employees of:
 - (A) the registered land surveyor;
 - (B) the registered land surveyor's employer; or
 - (C) another registered land surveyor.

(e) In addition to the requirements in IC 25-21.5-7-3, each office of a firm, partnership, or corporation offering to perform land surveys must have a registered land surveyor in charge of the operations. ~~and that~~ **The** registered land surveyor, ~~who~~ must:

- (1) be a full-time employee ~~of~~ **of the firm, partnership or corporation and:**
 - (A) a principal of the partnership or firm; or
 - (B) an officer of the corporation; ~~must~~
- (2) have full responsible control of the survey operations; ~~This registered land surveyor must and~~
- (3) maintain regular hours at that office: ~~adequate~~

- (A) **convenient** for client contact; and
- (B) **adequate for** employee supervision as defined in subsection (d).

(f) For purposes of this rule, an individual practices as a principal by being **as follows:**

- (1) A registered land surveyor. ~~and~~
- (2) The individual in charge of the organization's land surveying practice, either:
 - (A) alone; or
 - (B) with other registered land surveyors.

(g) A registered land surveyor shall not affix his or her seal on any surveying work unless **the:**

- (1) ~~the~~ registered land surveyor personally did the surveying work;
- (2) ~~the~~ surveying work was performed by:
 - (A) a nonregistered employee or subordinate following the requirements of subsection (a); or ~~by~~
 - (B) the employees of another registered land surveyor as allowed by subsection (d); or
- (3) ~~the~~ registered land surveyor is certifying additional survey work based on a survey:
 - (A) executed according to this rule; and
 - (B) certified by a registered land surveyor working on the same project.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-3; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3909; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2240; filed Oct 13, 1992, 5:00 p.m.: 16 IR 886; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1883) NOTE: 864 IAC 1.1-13-3 was renumbered by Legislative Services Agency as 865 IAC 1-12-3.

SECTION 24. 865 IAC 1-12-4 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-4 Land surveyor duty to accumulate, preserve, and share data

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 4. A registered land surveyor shall do the following:

- (1) Accumulate, through experience and research, information on the historical development of surveys in the geographical area in which the land surveyor practices.
- (2) Accumulate:
 - (A) survey records;
 - (B) field notes;
 - (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; ~~but~~ **must and**
- (B) be sufficient to discharge the registered land surveyor's obligations to the public and the profession.

(State Board of Registration for Land 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) NOTE: 864 IAC 1.1-13-4 was renumbered by Legislative Services Agency as 865 IAC 1-12-4.

SECTION 25. 865 IAC 1-12-5 IS AMENDED TO READ AS FOLLOWS:

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 ~~stakes~~ **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 ~~except for property corner monumentation~~, **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 Land 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) NOTE: 864 IAC 1.1-13-5.1 was renumbered by Legislative Services Agency as 865 IAC 1-12-5.

SECTION 26. 865 IAC 1-12-7 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-7 Measurements for retracement surveys, original surveys, and route surveys

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 7. (a) ~~When~~ **The purpose of this section is to prescribe precision and accuracy standards to be used by a land surveyor in conducting a original and retracement survey or an original survey, the land surveyor shall be responsible to use the minimum standards of measurement provided for in this section. However, when platting laws set forth technical minimums for original surveys and route surveys, more stringent than those stated in this section, the more stringent standards shall be followed to the extent of the difference.**

(b) ~~Measurements generally~~ **The land surveyor shall be:**

(1) ~~obtained with a precision compatible with the type of survey involved and with the size and shape of the parcel involved~~

(2) ~~taken with a precision that is consistent with that required by the agreement with the client but may not be less precise than defined~~ **select the appropriate equipment and methods and use trained personnel to assure that the acceptable relative positional accuracy specified in this section and is not exceeded.**

(3) ~~shown on the plat with a number of significant figures representative of the precision of the work.~~

(e) ~~The measurement specifications contained in subsection (d) will apply for all retracement surveys and original surveys.~~

(c) **The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate.**

(d) ~~The following specifications shall be used for the location of property boundaries with respect to the referenced controlling corners:~~

Class of Survey	Theoretical Uncertainty (tu)
A	plus or minus .10 feet
B	plus or minus .25 feet
C	plus or minus .50 feet
D	plus or minus 1.00 feet
E	
all other surveys to be negotiated with the client	

~~(e) The classes (d) Classifications of surveys listed in subsection (d) shall fall into the following sizes are as follows:~~

~~(1) Class A— Small area wherein dense monument controls exist, as in a downtown commercial area. Lots are typically fifty (50) feet by one hundred (100) feet. Periphery and beginning distance is less than four hundred (400) feet.~~

~~(2) Class B— Longest side is typically under two hundred fifty (250) feet and periphery and beginning distance is less than one thousand (1,000) feet.~~

~~(3) Class C— Longest side is typically under one thousand (1,000) feet and periphery and beginning distance is less than five thousand (5,000) feet.~~

~~(4) Class D— All sides are typically over one thousand (1,000) feet and periphery and beginning distance is less than twelve thousand (12,000) feet.~~

~~(5) Class E— The precision of larger surveys shall be negotiated with the client and shall be clearly stated on the plat of survey.~~

(1) Urban surveys. Urban surveys are performed on land lying within or contiguous with a city or town, except for single family residential lots. Urban surveys also include:

- (A) commercial and industrial properties;**
- (B) condominiums;**
- (C) townhouses;**
- (D) apartments; and**
- (E) other multi-unit developments;**

regardless of geographic location.

(2) Suburban surveys. Suburban surveys are performed on residential subdivisions lots. Surveys of single family residential lots shall be suburban surveys even if the lot is located in an urban or a rural area.

(3) Rural Surveys - Rural surveys are performed on real estate lying in rural areas that does not otherwise meet the definition of an urban or suburban survey.

(e) The acceptable relative positional accuracies for each classification of survey are as follows:

(1) Urban surveys: 0.07 feet (21 millimeters) plus 50 parts per million.

(2) Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million.

(3) Rural surveys: 0.26 feet (79 millimeters) plus 200 parts per million.

- (f) **Relative positional accuracy may be tested by:**
- (1) **comparing the relative location of points in a survey as measured by an independent survey of higher accuracy; or**
 - (2) **the results of a minimally constrained, correctly weighted least square adjustment of the survey.**

(State Board of Registration for Land Surveyors; 865 IAC 1-12-7; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3910; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2242; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1884) NOTE: 864 IAC 1.1-13-7 was renumbered by Legislative Services Agency as 865 IAC 1-12-7.

SECTION 27. 865 IAC 1-12-9 IS AMENDED TO READ AS FOLLOWS:

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 ~~do~~ **obtain** the following:

- (1) ~~Obtain~~ The record description of the:
 - (A) parcel to be surveyed; ~~as well as the record description of the~~
 - and**
 - (B) adjoining properties;to reveal any gaps or overlaps with the adjoining properties.
- (2) ~~Obtain~~ Copies of any recorded:
 - (A) subdivision plats; **and**
 - (B) **surveys;**that relate to the survey.
- (3) ~~Obtain~~ From public offices, copies of any:
 - (A) maps;
 - (B) documents; and
 - (C) field notes;that relate to the survey.
- (4) ~~Obtain~~ Copies of data that relate to the survey that are available from known private sources.

(State Board of Registration for Land 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) NOTE: 864 IAC 1.1-13-9 was renumbered by Legislative Services Agency as 865 IAC 1-12-9.

SECTION 28. 865 IAC 1-12-10 IS AMENDED TO READ AS FOLLOWS:

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 ~~monuments that:~~ **the following:**

(A) **Monuments that** reference missing control monuments. ~~and~~

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

~~(3) Search for and locate~~ (C) Other monuments and real evidence that are necessary to the survey.

~~(4)~~ **(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.

~~(5)~~ **(4) Obtain the following:**

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

~~(6) Obtain~~ (B) Sufficient check measurements to satisfactorily verify the work.

~~(7)~~ **(5) Locate physical evidence of possession between adjoining make comments on possible age of possession, and verify identify age of possession, for example,** by parol evidence, if possible.

~~(8)~~ **(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

(C) documented;

in accordance with section 30 of this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-10; 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) NOTE: 864 IAC 1.1-13-10 was renumbered by Legislative Services Agency as 865 IAC 1-12-10.

SECTION 29. 865 IAC 1-12-12 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-12 Publication of retracement and original survey results

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 12. (a) When conducting a retracement survey or an original survey, a registered land surveyor shall do the following:

(1) Furnish the client with a written surveyor's report that, in addition to other pertinent data, **identifies the type of survey**, explains the theory of

location applied in establishing or retracing the lines and corners of the surveyed parcel, and gives the registered land surveyor's professional opinion of the cause and the amount of uncertainty in those lines and corners because of the following:

- (A) Availability and condition of reference monuments.
- (B) Occupation or possession lines.
- (C) Clarity or ambiguity of the record description used **and of** adjoining descriptions ~~or both~~ **and the relationship of the lines of the subject tract with adjoining lines.**
- (D) The ~~theoretical uncertainty~~ **relative positional accuracy** of the measurements.

(2) Record the plat of survey and the associated surveyor's report in the county recorder's office in the county where the property is located when:

- (A) a new tax parcel will be created based on the survey;
- (B) a survey of;

- (i) an unsubdivided tract; or
- (ii) a portion of a subdivided lot;

has not been previously recorded;

(C) if, in the registered land surveyor's opinion, a survey of a whole subdivided lot or lots is substantially at variance with:

- (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; ~~is~~

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. ~~and~~ **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.**

~~(b)~~ (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 is recorded **was certified**; and shall

(2) be cross-referenced to the latest record plat of survey of the property, if any is found.

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

(1) ~~in the case of~~ an original or retracement survey (not previously recorded) that contains a proposed new subdivision plat, ~~prior to~~ **before** recording the new subdivision plat; or

(2) ~~in the case of~~ retracement or original surveys not described in subdivision (1) **within:**

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

(B) ~~within~~ 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.

~~(d)~~ (e) Nothing ~~contained~~ 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**

~~(e) Nothing contained in this rule shall~~ (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;

(2) deed plots;

(3) topographic maps;

(4) site plans; or

(5) construction plans;

that are not intended to be retracement or original surveys, route surveys, or surveyor location reports, shall contain a note stating “This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.”. Any drawing or plat showing set monumentation is

considered to be an original, retracement, or route survey and as such is subject to the applicable sections of this rule. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-12; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3912; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2245; filed Oct 13, 1992, 5:00 p.m.: 16 IR 889; errata, 16 IR 1188; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1886*) *NOTE: 864 IAC 1.1-13-12 was renumbered by Legislative Services Agency as 865 IAC 1-12-12.*

SECTION 30. 865 IAC 1-12-13 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-13 Retracement and original survey plats

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5; IC 32-19

Sec. 13. (a) When conducting a retracement **or original** survey, a registered land surveyor shall furnish the client with the surveyor's report and a copy of the plat of survey of the premises drawn to an appropriate scale in such a manner that the data shown will be clearly legible when the plat is reduced to sheets suitable for recording ~~that are no larger than eleven (11) inches by seventeen (17) inches and no smaller than eight and one-half (8 $\frac{1}{2}$) inches by eleven (11) inches.~~ **in the county in which the survey was conducted.**

(b) The plat of survey, **together with the accompanying surveyor's report,** shall show **or otherwise contain** the following information at a minimum:

(1) The;

(A) client's name;

(B) date of the **last** fieldwork;

(C) surveyor's file number; and

(D) the:

(i) name;

(ii) address;

(iii) signature, and

(iv) registration number;

of the surveyor responsible for the work.

(2) **For retracement surveys:**

((A) **the record document description or recording information** of the parcel surveyed; and

(B) any new, modified, or consolidation description with an explanation in the surveyor's report as to why the new description was ~~done,~~ **prepared,** together with a statement regarding the location of the new description relative to the record description. ~~If necessary to define the location, a vicinity map shall be provided.~~

For original surveys, a metes and bounds description with appropriate controlling calls and calling for and accurately describing controlling physical monuments, marked in accordance with section 18 of this rule, except, however, that a metes and bounds description is not required for individual, platted subdivision lots.

(3) North arrow, area, and scale, including a graphic scale.
(4) Angles or bearings. When bearings are shown, their basis shall be indicated.

(5) All pertinent dimensions. On dimensions other than those measured, sufficient notations shall be used to identify their source, such as the following:

(A) Recorded measurement (Rec).

(B) Calculated from record values (Calc. Rec.).

(6) All pertinent monuments, with a notation indicating which were found and which were set, including those required to be set by section 18 of this rule, identified as to:

(A) their character;

(B) **their** size; ~~and~~

(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 ~~reference,~~ **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. ~~or depicted interior.~~ **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 ~~such a~~ **boundary** line. ~~Show the location by the shortest distance to such 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. ~~Map delineation must be such that~~ Contiguity, gaps, and overlaps with adjoining parcels ~~are~~ **shall be** clearly shown **and dimensioned**. Show only the portion of adjoining tracts relevant to the location of the surveyed tract. ~~Gaps and overlaps on the perimeter of the survey shall be dimensioned.~~ 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. ~~unless they are omitted at the request of the client. It must be noted on the plat of survey if they are omitted for this reason.~~

(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. ~~according to documentation provided by the client.~~ Any other 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. ~~and~~

(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 of Registration for Land Surveyors; 865 IAC 1-12-13; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3913; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2246; filed Oct 13, 1992, 5:00 p.m.: 16 IR 889; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1887) NOTE: 864 IAC 1.1-13-13 was renumbered by Legislative Services Agency as 865 IAC 1-12-13.*

SECTION 31. 865 IAC 1-12-14 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-14 Original survey preliminary research

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 14. When conducting an original survey, a land surveyor shall do the following:

(1) Obtain or prepare the documents establishing the intended position of the lines to be created by the original survey, such as **any of the following**:

- (A) ~~The~~ client's ~~approved~~ sketch.
- (B) Instructions defining the lines. ~~and~~
- (C) ~~A~~ tentative subdivision map.

(2) Obtain copies of the laws regulating division of property that govern in the ~~area~~ **jurisdiction** in which the property is located.

(3) Survey **that portion of the parent tract required to define the lines of the parcel upon which being created by the original survey is to be based, or such portion thereof as is relevant to the proposed work.** This work must be in accordance with ~~section 13~~ of this rule. Any conflicts or gaps between the lines of the retracement survey and the ~~adjoiners~~ **adjoiners'** lines that affect newly created tracts must be clearly depicted on the original survey, showing which of the new tracts are affected and to what extent.

(4) Conduct field surveys to determine the location of planimetric or topographic features, **if any**, that are to control the intended position of the lines being created.

(5) In the case of new subdivisions or original surveys, the registered land surveyor shall inform the client of any conflicts between the following:

- (A) **The requested position of the lot lines to be created.**
- (B) **The position required by any applicable ordinances or regulations.**

These conflicts must be resolved before certifying the survey or, if they are not, the conflicts shall be noted on the face of the plat or in the surveyor's report.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-14; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3914; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2247; filed Oct 13, 1992, 5:00 p.m.: 16 IR 890; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26,

2004, 11:00 a.m.: 27 IR 1888) NOTE: 864 IAC 1.1-13-15 was renumbered by Legislative Services Agency as 865 IAC 1-12-14.

SECTION 32. 865 IAC 1-12-18 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-18 Original and retracement survey monumentation

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

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 ~~the following:~~ **this section.**

~~(1)~~ **(b)** Except as provided in subsection ~~(a)(7)~~ **(h)** a monument, as defined in subsections ~~(a)(2)~~ **(c)** through ~~(a)(6)~~ **(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 ~~theoretical uncertainty~~ **the relative positional accuracy** for the class of survey being performed.

~~(2)~~ **(c)** Monuments set in unpaved **or other nonimpervious** locations shall be five-eighths (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.

~~(3)~~ **(d)** Where practical, monuments in pavement **or other impervious areas** shall be set according to the requirements contained in subsection ~~(a)(2)~~ **(c)**. However, when it is not practical to set a monument in accordance with subsection ~~(a)(2)~~ **(c)**, then a two (2) inch or longer, one-fourth (1/4) inch or larger diameter, magnetic concrete nail, or similar magnetic monument, shall be set, **if possible.**

~~(4)~~ **(e)** Monuments set under subsection ~~(a)(2)~~ **(c)** or ~~(a)(3)~~ **(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.

~~(5)~~ **(f)** Where monuments as defined in subsection ~~(a)(2)~~ **(c)** or ~~(a)(3)~~ **(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.

~~(6)~~ (g) Monuments required by local ordinances shall be set provided they meet or exceed the requirements in subsections ~~(a)(2)~~ (c) and ~~(a)(3)~~. (d).

~~(7)~~ Except at interior lot corners not adjoining a street right-of-way line, (h) Where it is not possible or practical to set a monument at the survey point: then

- (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 ~~on a~~
 - (B) prolongation of such 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 ~~theoretical uncertainty~~ **acceptable relative positional accuracy** of the survey, a monument will not be required to be set.

~~(8)~~ (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.

~~(9)~~ (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.

~~(10)~~ (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.

~~(b)~~ (l) Monuments shall be set ~~prior to~~ **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 ~~prior to~~ **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 ~~prior to~~ **before** recording, then the placement of monuments shall be shown on the subdivision plat. If monuments are to be set after construction is complete, the surveyor shall record an affidavit, cross-referenced to the recorded plat, showing which monuments were set and which were found, the dates the monuments were set or found, together with a certification that states to the best of the surveyor's knowledge and belief the information contained in the affidavit is true and correct. Nothing in this subsection shall be construed to require the surveyor to wait until construction is completed to place monuments.

~~(e)~~ (m) A surveyor is not required to replace or restore any monument that the surveyor has set that has been:

- (1) moved;
- (2) disturbed; or

(3) destroyed;
after its original placement for the current survey.

~~(d)~~ (n) Identification numbers, other than registered land surveyor's registration numbers, used by a land surveying firm or government agency under subsection ~~(a)(2)~~ (c) or ~~(a)(3)~~ (d) must be assigned and authorized for use by the state board. ~~of registration for land surveyors upon written request.~~ Request for firm or agency numbers must be in writing on forms provided by the board. (*State Board of Registration for Land Surveyors; 865 IAC 1-12-18; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3914; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2248; filed Oct 13, 1992, 5:00 p.m.: 16 IR 891; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jan 26, 2004, 11:00 a.m.: 27 IR 1888*) NOTE: 864 IAC 1.1-13-19 was renumbered by Legislative Services Agency as 865 IAC 1-12-18.

SECTION 33. 865 IAC 1-12-20 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-20 Route survey preliminary research

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 20. (a) When conducting a route survey, a registered land surveyor shall do the following:

(1) Obtain or prepare the documents establishing the intended position of the lines to be created by the survey, for example, **the following:**

(A) The client's approved sketch. ~~and~~

(B) Instructions defining the lines.

(2) Obtain **the following:**

(A) Copies of the laws that affect route surveys in the area in which the property is located.

~~(3) Obtain~~ (B) From;

(i) the client, or other sources, the record description of the affected parcel or parcels;

~~(4) Obtain from~~ (ii) the county recorder's office, copies of any **recorded subdivision plats and surveys** affected by **or relating to** the survey; **and**

~~(5) Obtain from~~ (iii) other public offices, copies of any maps, documents, and field notes that relate to the survey.

(b) **Client specifications may set forth technical minimums for route surveys more stringent than those stated in this section.** (*State Board of Registration for Land Surveyors; 865 IAC 1-12-20; 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*) NOTE: 864 IAC 1.1-13-35 was renumbered by Legislative Services Agency as 865 IAC 1-12-20.

SECTION 34. 865 IAC 1-12-21 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-21 Route survey fieldwork

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 21. When conducting a route survey, a land surveyor shall do the following:

- (1) Establish **the location of the control survey points upon which the all subsequent work is will be based so that they can be retraced and are recoverable by other surveyors without difficulty during and after construction.**
- (2) Determine the location of ~~planimetric or topographic features that are to control the intended position of the survey control and parcel acquisition lines being created,~~ the location **following:**
 - (A) Any lines ~~and/or~~ **or** corners, **or both**, necessary to ~~locate said describe any~~ acquisition parcels. ~~and the location of~~
 - (B) Any United States Public Land Survey subdivision corners that are **available from the county surveyor or** reasonably accessible ~~on both sides of~~ **and relevant to the route survey control line or acquisition parcels, or both.**
- (3) Set any final monuments required by section 24 of this rule, ~~plus~~ **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 Land 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) NOTE: 864 IAC 1.1-13-36 was renumbered by Legislative Services Agency as 865 IAC 1-12-21.

SECTION 35. 865 IAC 1-12-22 IS AMENDED TO READ AS FOLLOWS:

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 ~~this section~~ ~~Laws affecting route surveys or client specifications may set forth technical minimums for section 7 of this rule,~~ **except that relative positional accuracy may not exceed five-tenths (0.5) feet for a route surveys more stringent than those stated in this section.** ~~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 ~~contained in subsection (d)~~ **outlined in this section** will apply to all of the following items shown on a route survey:

- (1) The ~~controlling control~~ **survey line: 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. ~~or~~
 - (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) The following measurement specifications shall apply to all route surveys:~~
- ~~(1) All angles shall be based upon the mean of two (2) direct and two (2) reverse position readings of the instrument telescope.~~
 - ~~(2) The instrument must have a direct (not estimated) angular reading capability as follows:~~
 - ~~(A) Twenty (20) seconds of arc for micrometer reading theodolites.~~
 - ~~(B) One (1) minute of arc for scale reading theodolites.~~
 - ~~(C) Ten (10) seconds of arc for electronic theodolites.~~
 - ~~(3) The instrument must have the capability of allowing an estimated reading as follows:~~
 - ~~(A) Ten (10) seconds of arc for micrometer reading theodolites.~~
 - ~~(B) One-tenth (0.1) of a minute of arc for scale reading theodolites~~
~~N.A. for electronic theodolites.~~
 - ~~(4) Any angle which exceeds the mean by more than the following amount must be rejected and the set of angles remeasured:~~
 - ~~(A) Ten (10) seconds of arc for micrometer reading theodolites.~~
 - ~~(B) Two-tenths (0.2) of a minute of arc for scale reading theodolites.~~
 - ~~(C) Ten (10) seconds of arc for electronic theodolites.~~
 - ~~(5) All distance measurements must be made with a properly calibrated EDM or steel tape, applying atmospheric, temperature, sag, tension, slope, scale factor, and sea level corrections, as necessary.~~
 - ~~(6) Distance measurements to be used in computing accuracy or closure for those items in subsection (c) cannot be less than the following amounts:~~
 - ~~(A) Fifty-four (54) meters for an EDM having an error of five (5) millimeters per manufacturer's specifications independent of distance.~~
 - ~~(B) One hundred two (102) meters of an EDM having an error of ten (10) millimeters per manufacturer's specifications independent of distance.~~
 - ~~(C) Fourteen (14) meters for calibrated steel tape.~~
 - ~~(7) If a closed loop is run, the angular and linear closures must comply with the following requirements:~~
 - ~~(A) Fifteen (15) seconds of arc times for maximum angular closure error, where N is the number of stations.~~
 - ~~(B) 1:10,000 for minimum linear error of closure precision ratio after angles are balanced and closure is calculated.~~

~~(e) The use of a more precise instrument does not change any of the specifications contained in subsection (d), such as number of angles turned.~~

(d) If the route surveys 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 Land 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) NOTE: 864 IAC 1.1-13-37 was renumbered by Legislative Services Agency as 865 IAC 1-12-22.

SECTION 36. 865 IAC 1-12-23 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-23 Publication of route survey results

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 23. (a) When conducting a route survey, a registered land surveyor shall do the following:

- (1) Furnish the client with **the following:**
 - (A)** Copies of the route survey plats.
 - ~~(2) Furnish the client with~~ **(B)** A written surveyor's report which, in addition to other pertinent data, gives the registered land surveyor's professional opinion of the cause and the amount of uncertainty in the lines and corners found or established by the survey because of any of the following:
 - ~~(A)~~ **(i)** Availability and condition of referenced monuments.
 - ~~(B)~~ **(ii)** Occupation or possession lines.
- ~~(3)~~ **(2)** Record the route survey plat and any subsequent revisions as defined in section 25 of this rule, together with the associated surveyor's report defined in this subsection, in the files of the county recorder's office in the county where the property is located on or before the date of acquisition of any tracts relative to the plat.

(b) An accurate description for all parcels to be acquired shall be furnished to the client. ~~The description~~ **Descriptions may be by metes and bounds but, in any case, shall be controlled by a call for all that part of the owner's land which that** lies within the total acquisition tract. The acquisition tract or tracts shall be depicted on, or described **relative by reference** to:

- (1) the recorded plat of route survey; or
- (2) any subsequent recorded revisions of the recorded plat of route survey;
~~which~~

that contain said the land. The lines of the acquisition tracts and any proposed right-of-way lines shall be tied to the initial control survey points. *(State Board of Registration for Land Surveyors; 865 IAC 1-12-23; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2251; filed Oct 13, 1992, 5:00 p.m.: 16 IR 894; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-38 was renumbered by Legislative Services Agency as 865 IAC 1-12-23.*

SECTION 37. 865 IAC 1-12-24 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-24 Route survey monumentation

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 24. (a) When conducting a route survey, a registered land surveyor shall be responsible to set monuments in accordance with the following:

(1) ~~Controlling~~ **Control** survey lines ~~points which that~~ are to be shown on the route survey plat shall be monumented at:

(A) each angle point; and at

(B) intervals that typically do not exceed one ~~thousand (1,000)~~ feet: **quarter () mile.**

(2) ~~The monuments shall be of a type and character, and set in a manner providing a degree or permanency, consistent with the terrain, physical features, intended use, and character of the point being marked.~~

(2) Section 18(c) through 18(f) of this rule.

(3) ~~Monuments set in unpaved locations shall be five-eighths (5/8) inch diameter or larger iron or steel rebars or pipes weighing a minimum of one (1) pound per foot and being at least twenty-four (24) inches long. Other monuments may be used if they are made of material of similar durability which includes an element that can be found by a device capable of detecting ferrous or magnetic objects. Such monuments shall have a substantial plastic or metal cap permanently affixed thereto showing the registered land surveyor's professional license number and/or the name or identification number of the land surveying firm or government agency.~~

(4) ~~Where practical, monuments in paved locations shall be set according to the requirements contained in subdivision (3).~~

(5) ~~Survey points, where monuments as defined in subdivision (3) or (4) cannot readily be set, must be marked by a drill hole, cut cross, notch, railroad spike, or similar permanent mark and referenced to any nearby~~

~~witness monuments or permanent objects such as building foundations or concrete head walls.~~

~~(6)~~ **(3)** Any comparable or better monuments required by more stringent local ordinances shall be set.

~~(7)~~ **(4)** Monuments shall be referenced in such a manner that will facilitate recovery of the monuments. A minimum of three (3) permanent points referencing each controlling survey line monument shall be established, preferably at locations outside the planned construction area.

~~(8)~~ **(5)** All monuments shown on the recorded route survey plat that are reset by an Indiana land surveyor must be reset according to the rules used for the original monuments. A survey plat of this resurvey shall be:

(A) recorded in the office of the county recorder where the resurvey was done within ninety (90) days of survey certification; and ~~shall be~~

(B) cross-referenced to the original route survey plat.

~~(9)~~ **(6)** **At the time they are set**, monuments shall be marked, **for example, with:**

(A) ribbon;

(B) paint; or

(C) lath;

to facilitate the recovery of the monuments by the client.

~~(b) Subsection (a)(3) through (a)(4) shall apply only to monuments set after December 31, 1991.~~

~~(e)~~ **(b)** Any identification numbers, other than the registration number of the registered land surveyor, used by a land surveying firm or government agency under ~~subsection (a)(3)~~ **section 18(d)** or ~~(a)(4)~~ **18(e) of this rule** must be assigned and authorized for use by the state board of registration for land surveyors upon written request. (*State Board of Registration for Land 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*) *NOTE: 864 IAC 1.1-13-39 was renumbered by Legislative Services Agency as 865 IAC 1-12-24.*

SECTION 38. 865 IAC 1-12-25 IS AMENDED TO READ AS FOLLOWS:

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 ~~will be~~ **for the relevant parcel or parcels is** clearly legible when the plat is reduced to sheets suitable for recording **in the county in** which ~~are no larger than eleven (11) inches by seventeen (17) inches and no smaller than eight and one-half (8.5) inches by eleven (11) inches. the survey was conducted.~~

(2) Show **the following**:

(A) The north arrow and scale, including a graphic scale.

~~(3) Show~~ (B) A vicinity map if ~~needed~~ to define the location of the project.

~~(4) Show~~ (C) All pertinent dimensions. Dimensions not measured shall be noted as to their origin or that they were calculated.

~~(5) Show~~ (D) Sufficient data to allow the retracement, without difficulty, of all the created lines and points.

~~(6) Show~~ (E) All:

(i) survey line;

(ii) centerline;

(iii) reference;

(iv) right-of-way;

(v) property;

(vi) government; or

(vii) other pertinent;

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

~~(7) (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 a

(B) notation that there is no available documented reference of the origin.

~~(8) (4)~~ Locate all monuments using an accepted practice such as:

(A) Indiana state ~~plan~~ **plane** coordinates;

(B) station and offset;

(C) course and distance; or

(D) local coordinates;

including the basis for the system used.

~~(9) (5)~~ Show and locate any right-of-way points, lines, or tracts ~~which~~ **that** have been created or proposed relative to the **initial control** survey ~~line~~ **points**.

~~(10) (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). ~~and~~

(B) The approximate location of any property lines ~~which~~ **that** may be;

(i) coincident with;

(ii) intersect with; or ~~may be~~ enclosed by, any proposed or depicted right-of-way lines.

~~(11) Show~~ (C) The name of the client or government agency. Include their project or file number if known, and the surveyor's file number.

~~(12) (7)~~ Include a certification ~~which~~ **that**:

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

(B) defines the scope of responsibility for each certifying registered land surveyor, if needed for clarity **in accordance with section 23(a)(2) of this rule**; and ~~which~~

(C) bears the:

(i) name, address, registration number, signature, and seal of each registered land surveyor; ~~the~~

(ii) date of the fieldwork; and ~~the~~

(iii) date of the certification.

(8) Nothing in this section shall prevent a complete route survey plat from being the composite of the work of one (1) or more surveyors preparing separate plats of their work as long as the following requirements are met:

(A) All of the information required under this section and in sections 21, 22, 24, and 25 of this rule is reflected in the composite of the separate plats, and the data on each of the separate plats is tied to the initial controlling survey line.

(B) The separate plats are all recorded.

(C) Any plats related to the route survey that are subsequently recorded are cross-referenced to any previously recorded plats related to the same route survey.

(D) The work is conducted in accordance with the requirements of section 3 of this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-25; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2252; filed Oct 13, 1992, 5:00 p.m.: 16 IR 895; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-40 was renumbered by Legislative Services Agency as 865 IAC 1-12-25.

SECTION 39. 865 IAC 1-12-27 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-27 Surveyor location reports; purpose; scope

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 27. (a) Surveyor location reports are designed for use by a title insurance company with loan policies on small tracts containing a one (1) to four (4) family house even if now used for commercial purposes. **A surveyor location report shall not be used for nonresidential tracts greater than two (2) acres.**

(b) A registered land surveyor does not assume responsibility regarding the location or existence of any underground use except that indicated by readily visible surface evidence. The client shall be responsible for providing any title documents other than recorded plats that are required for the report.

(c) The report must be done according to its record description, if any. No corner monuments are required to be set. The uncertainty of location for the report shall not exceed plus or minus:

(1) one (1) foot on tracts in ~~platted~~ **recorded** subdivisions; or

(2) two (2) feet for ~~small-unplatted~~ **other** tracts;

unless otherwise specified and explained on the drawing.

(d) House locations more than one hundred (100) feet from an exterior boundary:

(1) may be estimated; and

(2) need not comply with subsection (c).

(e) Obtaining accurate and complete data on or near the perimeter of larger tracts is beyond the scope of the report. Therefore, on larger tracts;

(1) location data for items more than one hundred (100) feet from the house: may be estimated and need not comply with subsection (c); and ~~on such larger tracts,~~

(2) the data required by section 28(1) through 28(5) of this rule may be incomplete.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-27; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2253; filed Oct 13, 1992, 5:00 p.m.: 16 IR 896; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237) NOTE: 864 IAC 1.1-13-42 was renumbered by Legislative Services Agency as 865 IAC 1-12-27.

SECTION 40. 865 IAC 1-12-28 IS AMENDED TO READ AS FOLLOWS:

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. ~~including, but not limited to, the following:~~

~~(A) Buildings.~~

~~(B) Fences.~~

~~(C) Hedgerows.~~

~~(D) Other improvements appurtenant to either the surveyed property or the adjoining property.~~

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) ~~Such~~ Personal property, **such** as aboveground swimming pools or yard barns.

Show the location of ~~such~~ 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; ~~or~~

(C) driveways; or

(D) possible joint use of driveways (do not label as “joint” or “common”); ~~which~~

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 ~~said~~ **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 ~~from~~

(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 ~~legal~~ **regulated** drains on or within seventy-five (75) feet of the property. Detailed locations are required when:

(A) a boundary is determined thereby; or ~~when~~

(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 ~~travelled~~ **traveled** way;

(B) known right-of-way lines; ~~name, location, and~~

(C) source of any known ~~name or~~ 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.

~~(8)~~ (9) Show the:

(A) Drawing scale.

(B) A north arrow.

(C) Property description and address.

(D) Surveyor's:

- (i) job number;
- (ii) company name;
- (iii) certificate;
- (iv) signature; and
- (v) seal;

(E) Client name. ~~and the~~

(F) Names of those to whom the report is certified.

~~(9) Show~~ (G) A report/certificate date less than thirty (30) days from the date of delivery.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-28; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2253; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 15, 2002, 3:33 p.m.: 26 IR 1105) NOTE: 864 IAC 1.1-13-43 was renumbered by Legislative Services Agency as 865 IAC 1-12-28.

SECTION 41. 865 IAC 1-12-29 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-12-29 Surveyor location reports; certificate

Authority: IC 25-21.5-2-14

Affected: IC 25-21.5

Sec. 29. (a) The surveyor location report format shall be substantially the same as that contained in subsection (b), and the minimum acceptable registered land surveyor's certificate to be prepared for a surveyor location report shall be the same as that contained in subsection (b). The content and format of the certificate shall be as shown, but the type size and spacing may be altered to suit so long as the finished form is neat and clearly legible. The size of the sheet or sheets for the reports shall be: ~~no~~

(A) **not** less than eight and one-half (8½) inches by eleven (11) inches; and
~~no~~

(B) **not** greater than ~~eleven (11)~~ **eighteen (18)** inches by ~~seventeen (17)~~ **twenty-four (24)** inches.

The surveyor's firm name, address, and phone number may be shown at the top or bottom margin.

(b) The surveyor's certificate described in subsection (a) shall be as follows:

SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS:

PROPERTY DESCRIPTION:

CLIENT I.D. NO.:

(HERE INSERT LOCATION REPORT DRAWING)

TITLE CO.:

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY:

REGISTERED LAND SURVEYOR'S SIGNATURE:

(REGISTERED LAND SURVEYOR'S NAME
AND INDIANA REGISTRATION NO.)

REPORT JOB NUMBER:

SEAL

PROPOSED BUYER:

PROPOSED LENDER:

(State Board of Registration for Land Surveyors; 865 IAC 1-12-29; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2254; filed Oct 13, 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)
NOTE: 864 IAC 1.1-13-44 was renumbered by Legislative Services Agency as 865 IAC 1-12-29.

SECTION 42. 865 IAC 1-12-30 IS ADDED TO READ AS FOLLOWS:

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;
- being found in those locations. Examples of such situations include, but are not limited to, corner locations that fall in concrete highways, in areas where other excavations have previously taken place, such as, for culverts or sewers, or in areas of substantial cut or fill, such as, for interstate highway overpasses or underpasses.

Before excavating, the registered land surveyor shall notify the appropriate jurisdictional agencies.

(f) If, as a result of the corner investigation:

- (1) a corner stone;
- (2) historical survey monument; or
- (3) other evidence;

is found marking the corner, the registered land surveyor shall remonument and reference the corner if necessary to facilitate its recovery by other surveyors.

(g) If, after excavating or otherwise conducting subsurface investigations of the probable locations outlined in subsection (e), a corner stone, historical survey monument, or other evidence of the corner is not found, the registered land surveyor shall do the following:

(1) Establish the location of the corner:

- (A) based on the best available evidence; and
- (B) in accordance with procedures for lost or obliterated corners outlined in or authorized by the United States Code in 43 U.S.C. 751, 43 U.S.C. 752, and 43 U.S.C. 753, which are hereby incorporated by reference.

(2) Monument that location.

(h) If the corner was perpetuated for use on an original, retracement or route survey, the registered land surveyor shall do the following:

(1) Describe and reference the monument in such a manner that facilitates its recovery by other surveyors.

(2) Document the following:

- (A) The chain of history of the corner to the best of his or her knowledge.
- (B) The evidence found and weighed.
- (C) The search area or areas.
- (D) The theory of location applied in re-establishing the corner.
- (E) Other relevant information regarding the perpetuation of the corner in the surveyor's report or on the plat of survey, or both.

(3) Provide a copy of the surveyor's report and plat of survey to the county surveyor.

(State Board of Registration for Land Surveyors; 865 IAC 1-12-30)

SECTION 43. 865 IAC 1-13-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-2 Continuing education requirements

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 2. ~~(a)~~ Registered land surveyors must complete twenty-four (24) hours of continuing education in order to qualify for renewal of an active license.

~~(b) Continuing education is first required for the July 31, 2002, renewal. However, notwithstanding subsection (a), only twenty one (21) hours of continuing education, including six (6) mandatory hours under section 6 of this rule and fifteen (15) elective hours under section 7 of this rule, will be required for the July 31, 2002, renewal. No credit will be given for courses completed prior to August 1, 2000.~~

~~(c) No credit will be given for courses completed prior to August 1, 2000. Courses taken or taught between August 1, 2000, and the effective date of this rule and of 865 IAC 1-14 may receive credit under section 5(b) of this rule. The limitation in section 5(b) of this rule to submit course material within three (3) months after taking the course shall not apply to courses taken in this time period so long as the course material is submitted no later than April 1, 2001. (State Board of Registration for Land Surveyors; 865 IAC 1-13-2; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237)~~

SECTION 44. 865 IAC 1-13-5 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-5 Courses from approved and unapproved providers

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 5. (a) Hours of continuing education will be granted to registered land surveyors who have successfully completed:

(1) courses offered by land surveyor continuing education providers approved under 865 IAC 1-14; or

(2) specific courses from ~~nonapproved~~ **unapproved** providers that:

(A) the board has approved under subsections (b) and (c); or ~~that~~

(B) qualify under subsections (d) through (f).

(b) It is the obligation of the registered land surveyor to submit course material from unapproved providers either not more than six (6) months after taking the course or three (3) months before the end of the renewal cycle, whichever comes first. The required information must include the following:

(1) The course outline or description.

(2) A certified statement signed by the registered land surveyor stating that the entire course was completed.

(3) The information required in 865 IAC 1-14-13.

(4) The name and professional biography of the instructor.

(c) To qualify under subsection (b):

(1) courses must be on the subject matter listed in section 6 or 7 of this rule; ~~and~~

(2) instructors must meet the requirements of 865 IAC 1-14-9; ~~and~~

(3) course content, instructor qualifications, and provider qualifications must meet the requirements provided in 865 IAC 1-14.

If the submitted information does not meet the requirements for approval, the course may be rejected and credit denied.

(d) As an alternative to the procedures described in subsections (b) and (c), specific courses obtained from nonapproved providers shall qualify as the appropriate number of hours of continuing education as an elective topic under section 7 of this rule as long as the following requirements are met:

(1) The course has been approved by the land surveyor registration board of another state that requires land surveyors to obtain continuing education.

(2) The other state defines an hour of continuing education as at least fifty (50) minutes of instruction time.

(3) The course must cover one (1) or more of the elective topics listed in section 7(a)(1) through 7(a)(14) of this rule.

(4) The course is not self-study, correspondence, or other unmonitored course where:

(A) college credit is not awarded for successful completion; or ~~where such~~

(B) ~~the~~ course was not provided by an accredited college or university as defined in ~~this rule~~. **865 IAC 1-14-2(b).**

(5) The subject matter is not specific to a particular state, such as “boundary law of Ohio” or “the Michigan plat act”.

(e) The registered land surveyor claiming credit under subsection (d) is responsible for the following:

(1) That the requirements of subsection (d) are met.

(2) For an audit under section 19 of this rule, making available information, such as a course content:

(A) outline; and ~~a course~~

(B) objective;

to establish that the requirements of subsection (d) are met.

(3) Obtaining and retaining for five (5) years from the date of the course, a certification of course completion that substantially complies with 865 IAC 1-14-13.

(f) As it does regarding any other continuing education issue, section 19 of this rule regarding:

(1) audits of continuing education; and

(2) the possible imposition of sanctions under IC 25-1-11;

applies to continuing education credit claimed under subsection (d). (*State Board of Registration for Land Surveyors; 865 IAC 1-13-5; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1026; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4111; filed Apr 26, 2004, 2:15 p.m.: 27 IR 2732; errata filed Apr 27, 2004, 2:00 p.m.: 27 IR 2744; errata filed May 7, 2004, 1:35 p.m.: 27 IR 2744*)

SECTION 45. 865 IAC 1-13-7 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-7 Elective topics

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 7. (a) To qualify for renewal, a registered land surveyor must complete eighteen (18) hours of continuing education in any of the following elective topics:

- (1) College level mathematics.
- (2) College level physical sciences.
- (3) Federal and state laws, rules, regulations, and practices pertaining to **the following:**
 - (A) The establishment or reestablishment of land boundaries. ~~and~~
 - (B) The practice of land surveying in Indiana.
- (4) Preparation and analysis of legal descriptions of interests in land.
- (5) The design, planning, and platting of subdivisions.
- (6) Preparation of plans and profiles for:
 - (A) roads;
 - (B) storm drainage; and
 - (C) sanitary sewer extensions;for subdivisions.
- (7) The ethical, economic, and legal principles that pertain to the practice of land surveying.
- (8) Distance and direction measurements, including statistical analysis.
- (9) Topographic and hydrographic surveying.
- (10) Photogrammetry.
- (11) Surveying applications, such as **the following:**
 - (A) GIS.
 - (B) LIS.
 - (C) GPS.
- (12) Advanced surveying procedures and equipment.
- (13) Computer applications for land surveyors.
- (14) ~~College level~~ Communication, such as **the following:**
 - (A) Public speaking. ~~and~~
 - (B) Technical writing.
- (15) The topics listed in section 6 of this rule.

(b) No single elective course may count for more than twelve (12) hours of continuing education. **Hours in excess of twelve (12) granted for any single elective course shall not be applied to the hours of continuing education required in the next renewal period as otherwise allowed under section 10 of this rule.** (*State Board of Registration for Land Surveyors; 865 IAC 1-13-7; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1026; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 7, 2003, 11:45 a.m.: 27 IR 875*)

SECTION 46. 865 IAC 1-13-8 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-8 Continuing education credit not given

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 8. Credit will not be given for any of the following:

- (1) Any education obtained ~~prior to~~ **before** licensure.
- (2) Self-study courses, correspondence courses, or any other unmonitored course where:
 - (A) college credit ~~are~~ **is** not awarded for successful completion; or ~~where such~~
 - (B) **the** course was not provided by an accredited college or university as defined in ~~this rule.~~ **865 IAC 1-14-2(b).**
- (3) Meetings conducted during eating periods.
- (4) Motivational classes or seminars.
- (5) Meetings of the ~~state board. of registration for land surveyors.~~
- (6) Business, social, or other noneducational meetings of professional groups, or subgroups, such as the Indiana Society of Professional Land Surveyors.
- (7) Committee work with local, state, or national professional organizations.
- (8) Staff meetings.
- (9) Courses taken for a second or subsequent time during a renewal period.
- ~~(10) Courses or seminars not completed. Partial credit may not be given.~~
- ~~(11)~~ **(10)** Courses not completed due to dismissal by the provider for disruption of the course, such as **the following**:
 - (A) Reading newspapers.
 - (B) Talking on mobile telephones. ~~or~~
 - (C) Anything other than paying attention during the course.

(State Board of Registration for Land Surveyors; 865 IAC 1-13-8; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1026; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237)

SECTION 47. 865 IAC 1-13-10 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-10 Hours used in later renewal cycles

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 10. (a) **Up to four (4) hours of elective continuing education topics earned, but not used,** in one (1) renewal period may ~~not be used~~ **applied to the hours required** in ~~a subsequent~~ **the next** renewal period. **Proper documentation of any such hours shall be submitted as required by the board.**

(b) **The applying of hours from a previous renewal period under subsection (a) shall not be allowed until the 2010 renewal for continuing education hours obtained between August 1, 2006, and July 31, 2008.** *(State Board of Registration for Land Surveyors; 865 IAC 1-13-10; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1027; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237)*

SECTION 48. 865 IAC 1-13-11 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-11 College courses as continuing education

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 11. College courses taken after licensure that qualify for continuing education credit under section 6 or 7 of this rule will be counted as follows:

(1) Ten (10) hours of continuing education credit per credit hour taken in a quarter system.

(2) Fifteen (15) hours of continuing education credit per credit hour taken in a semester system.

However, college credit earned under this section and applied as elective continuing education hours must comply with the requirements of section 7 of this rule. (*State Board of Registration for Land Surveyors; 865 IAC 1-13-11; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1027; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*)

SECTION 49. 865 IAC 1-13-19 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-13-19 Audits of continuing education compliance

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5-8-7

Sec. 19. (a) The board may conduct audits of registered land surveyors and providers for continuing education compliance. **In conducting an audit, the board may request information from a registered land surveyor or provider, in which case the registered land surveyor or provider shall respond within thirty (30) days.** For every purpose of this section, the board may designate a board member or staff member to act on behalf of or in name of the board.

(b) If, as the result of an audit or other review, the board determines that hours of continuing education a registered land surveyor has claimed do not meet the requirements of IC 25-21.5-8-7 and this article, the board shall notify the registered land surveyor of that determination.

(c) A registered land surveyor, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the registered land surveyor's position that an adequate number of hours of continuing education have been completed.

(d) A registered land surveyor who submits false information shall be subject to the sanctions provided for under IC 25-1-11.

(e) Registered land surveyors who are found not to be in compliance will be subject to discipline under IC 25-1-11. (*State Board of Registration for Land Surveyors; 865 IAC 1-13-19; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1028; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*)

SECTION 50. 865 IAC 1-14-2 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-14-2 Continuing education course providers

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 2. (a) The board, upon application, may grant continuing education course provider approval to applicants who apply under this rule.

(b) Colleges and universities ~~who are~~ accredited by the following accrediting entities are deemed by the board to be approved continuing education providers and need not apply for approval **as providers, but must apply for approval of individual continuing education courses as outlined in section 4 of this rule:**

- (1) Middle States Association of Colleges and Schools/Commission on Higher Education.
- (2) New England Association of Schools and Colleges.
- (3) North Central Association of Schools and Colleges.
- (4) Northwest Association of Schools and Colleges.
- (5) Southern Association of Colleges and Schools/Commission on Colleges.
- (6) Western Association of Schools and Colleges/Accrediting Commission for Senior Colleges.

(State Board of Registration for Land Surveyors; 865 IAC 1-14-2; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1029; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237)

SECTION 51. 865 IAC 1-14-13 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-14-13 Certifications of completion

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 13. (a) Course providers shall provide the registered land surveyor who successfully completes an approved course a certification of course completion that must include the following information:

- (1) Name, telephone number, and address of the provider.
- (2) Name and license number of the participant.
- (3) Title of the course.
- (4) Course location.
- (5) Date of the course.
- (6) Number of approved course hours.
- (7) Name **and** address ~~and signature~~ of the instructor.

(b) The course provider must complete the ~~certification~~ **certificate** of completion in its entirety, **except that participants may fill in their own license numbers.**

(c) ~~In lieu~~ **Instead** of a certification, the board may accept documentation that provides the information that is contained in subsection (a).

(d) The board may accept a college transcript ~~in lieu~~ **instead** of a certification of course completion. *(State Board of Registration for Land Surveyors; 865 IAC 1-14-13; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1030; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 7, 2003, 11:45 a.m.: 27 IR 876)*

SECTION 52. 865 IAC 1-14-14 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-14-14 Courses not completed

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 14. (a) Course providers, at their discretion, may grant **the following:** to registered land surveyors:

(1) Partial credit in proportion to the amount of time that a registered land surveyor attended the continuing education course.

(2) After one (1) hour of instruction, ~~course providers may grant registered land surveyors~~ credit in one-half (½) hour increments.

(b) To receive full credit for a course, a registered land surveyor must:

(1) be present for the entire course; **or**

(2) **in the case of continuing education obtained by college or university courses, receive full credit for the course from that college or university.**

(State Board of Registration for Land Surveyors; 865 IAC 1-14-14; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1030; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 7, 2003, 11:45 a.m.: 27 IR 876)

SECTION 53. 865 IAC 1-14-15 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-14-15 Reporting attendance to the board

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 15. ~~(a)~~ Course providers shall, not more than thirty (30) days after a course is presented, submit the following to the board:

(1) An alphabetical list of all registered land surveyors who attended the course **with the registration number of each registrant.**

(2) A certified statement of the hours of continuing education to be credited to each registrant.

~~(b) Course providers may submit~~ (3) The list required in ~~subsection (a) subdivision (1)~~ **electronically as specified by the board.** *(State Board of Registration for Land Surveyors; 865 IAC 1-14-15; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1030; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Nov 7, 2003, 11:45 a.m.: 27 IR 876)*

SECTION 54. 865 IAC 1-14-16 IS AMENDED TO READ AS FOLLOWS:

865 IAC 1-14-16 Auditing courses by the board

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 16. The board reserves the right to send a representative to evaluate a course and related aspects, such as the:

- (1) facilities;
- (2) course outline;
- (3) handouts;
- (4) instructor; and
- (5) presentation;

at no cost to the board or its representative. The representative may record all or part of any presentations. Board representatives who attend continuing education courses without paying the full fee charged by the course provider are ineligible to receive continuing education credit **for those courses.** (*State Board of Registration for Land Surveyors; 865 IAC 1-14-16; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1030; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237*)

SECTION 55. THE FOLLOWING ARE REPEALED: 865 IAC 1-4-9; 865 IAC 1-10-11; 865 IAC 1-12-8; 865 IAC 1-12-15; 865 IAC 1-12-16; 865 IAC 1-12-17; 865 IAC 1-12-19; 865 IAC 1-12-26.

SECTION 56. SECTION 45 of this document takes effect August 1, 2006.