

AN ACT concerning regulation.

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

Section 5. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 1, 4, 5, 8, 11, 12, 13, 14, 16, 16.5, 17, 18, 23, 40, and 48 as follows:

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 1. Declaration of public policy. The practice of land surveying in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared that the determination and physical protraction of land boundaries using the appropriate application of boundary law principles, together with the attendant preparation of legal descriptions and plats, which bear witness for posterity to chronicle the acts and wishes of landowners throughout this State is a matter of public interest and concern. Therefore, it is in the public interest that the practice of land surveying, as defined in this Act, merit and receive the confidence of the public, and that only qualified persons be authorized to practice land surveying in the State of Illinois. This Act shall be liberally construed to best carry out this purpose.

(Source: P.A. 93-467, eff. 1-1-04.)

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

(Section scheduled to be repealed on January 1, 2020)

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

(a) "Department" means the Department of Financial and Professional Regulation.

(b) "Secretary" means the Secretary of the Department of Financial and Professional Regulation.

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

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

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

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering

Practice Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

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

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

(j) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(k) "Standard of care" means the use of the same degree of knowledge, skill, and ability as an ordinarily careful and reasonable professional land surveyor would exercise under

similar circumstances.

(l) "Establishing" means performing an original survey. An original survey establishes boundary lines within an original division of a tract of land which has theretofore existed as one unit or parcel and describing and monumenting a line or lines of a parcel or tract of land on the ground for the first time. An original surveyor is the creator of one or more new boundary lines.

(m) "Reestablishing" or "locating" means performing a retracement survey. A retracement survey tracks the footsteps of the original surveyor, locating boundary lines and corners which have been established by the original survey. A retracement survey cannot establish new corners or lines or correct errors of the original survey.

(n) "Boundary law principles" means applying the decisions, results, and findings of land boundary cases that concern the establishment of boundary lines and corners.

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Practice of land surveying defined. Any person who practices in Illinois as a professional land surveyor who renders, offers to render, or holds himself or herself out as able to render, or perform any service, the adequate performance of which involves the special knowledge of the art

and application of the principles of the accurate and precise measurement of length, angle, elevation or volume, mathematics, the related physical and applied sciences, and the relevant requirements of applicable boundary law principles and performed with the appropriate standard of care, all of which are acquired by education, training, experience, and examination. Any one or combination of the following practices constitutes the practice of land surveying:

(a) Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or title or real property lines and the platting of lands and subdivisions;

(b) ~~Determining~~ ~~Establishing~~ the area or volume of any portion of the earth's surface, subsurface, or airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods by persons holding certification from the American Society of Photogrammetry and Remote Sensing or substantially similar certification as approved by the Department, or except when the level of accuracy required is less than the level of accuracy required by the National Society of Professional Surveyors Model Standards and Practice;

(c) Preparing descriptions for the determination of

title or real property rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace;

(d) Labeling, designating, naming, preparing, or otherwise identifying legal lines or land title lines of the United States Rectangular System or any subdivision thereof on any plat, map, exhibit, photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording and amending the same by the issuance of a certificate of correction in the Office of Recorder in any county;

(e) Any act or combination of acts that would be viewed as offering professional land surveying services including:

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

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a Professional Land Surveyor, and

if proper reference to that fact be made on that document;

(3) performing topographic surveys, with the exception of a licensed professional engineer knowledgeable in topographical surveys that performs a topographical survey specific to his or her design project. A licensed professional engineer may not, however, offer topographic surveying services that are independent of his or her specific design project; or

(4) locating, relocating, establishing, reestablishing ~~re-establishing~~, retracing, laying out, or staking of the location, alignment, or elevation of any existing or proposed improvements whose location is dependent upon property, easement, and right-of-way boundaries ~~lines~~;

(5) providing consultation, investigation, planning, mapping, assembling, and authoritative interpretation of gathered measurements, documents, and evidence in relation to the location of property, easement, and right-of-way boundaries; or

(6) measuring, evaluating, mapping, or reporting the location of existing or proposed buildings, structures, or other improvements or their surrounding topography with respect to current flood insurance rate mapping or federal emergency management agency mapping along with locating of inland wetland

boundaries delineated by a qualified specialist in relation to the location of property, easement, and right-of-way boundaries.

(f) Determining the horizontal or vertical position or state plane coordinates for any monument or reference point that marks a title or real property line, boundary, or corner, or to set, reset, or replace any monument or reference point on any title or real property;

(g) Creating, preparing, or modifying electronic or computerized data or maps, including land information systems and geographic information systems, relative to the performance of activities in items (a), (b), (d), (e), (f), and (h) of this Section, except where electronic means or computerized data is otherwise utilized to integrate, display, represent, or assess the created, prepared, or modified data;

(h) ~~Determining~~ ~~Establishing~~ or adjusting any control network or any geodetic control network or cadastral data as it pertains to items (a) through (g) of this Section together with the assignment of measured values to any United States Rectangular System corners, title or real property corner monuments or geodetic monuments;

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

(j) Executing and issuing certificates, endorsements, reports, or plats that portray the horizontal or vertical relationship between existing physical objects or structures and one or more corners, datums, or boundaries of any portion of the earth's surface, subsurface, or airspace;

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

(l) Boundary analysis and determination of property, easement, or right-of-way lines on any plat submitted for regulatory review by governmental or municipal agencies;

(m) ~~(l)~~ Offering or soliciting to perform any of the services set forth in this Section.

In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to perform such functions.

(Source: P.A. 96-626, eff. 8-24-09; 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11; 97-813, eff. 7-13-12.)

(Section scheduled to be repealed on January 1, 2020)

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

(a) Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable;

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

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

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

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

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

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

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

A quorum of the Board shall consist of 4 members. A quorum is required for all Board decisions.

Subject to the provisions of this Act, the Board may exercise the following duties as deemed necessary by the Department: (i) review education and experience qualifications of applicants, including conducting oral interviews; (ii) determine eligibility as a Professional Land Surveyor or Surveyor Intern ~~Land Surveyor-in-Training~~; and (iii) submit to the Secretary recommendations on applicant qualifications for enrollment and licensure.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/11) (from Ch. 111, par. 3261)

(Section scheduled to be repealed on January 1, 2020)

Sec. 11. Examination; failure ~~Failure~~ or refusal to take. The Department shall authorize examinations, as recommended and approved by the Board, for licensure as Surveyor Interns ~~Land Surveyors-in-Training~~ and Professional Land Surveyors at such times and places as it may determine.

The examination of an applicant for licensure as a Surveyor Intern ~~Land Surveyor-in-Training~~ or a Professional Land Surveyor may include examinations as defined by rule. The substance and form of the examination shall be as recommended

and approved by the Board. Each applicant shall be examined as to his knowledge of the statutes of the United States of America and the State of Illinois relating to the practice of land surveying and mathematics as applied to land surveying.

All applicants for licensing as a Professional Land Surveyor shall be required to pass, as a portion of the examination, a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois, and the laws relating thereto.

Applicants for any examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee. If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.

(Source: P.A. 98-713, eff. 7-16-14.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Qualifications for licensing.

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

(1) who has applied in writing in the required form to the Department;

(2) (blank);

(2.5) who has not violated any provision of this Act or its rules;

(3) who is of good ethical character, including compliance with the Code of Ethics and Standards of Practice promulgated by rule pursuant to this Act, and has not committed an act or offense in any jurisdiction that would constitute grounds for discipline of a land surveyor licensed under this Act;

(4) who has been issued a license as a Surveyor Intern ~~Land Surveyor in Training~~;

(5) who, subsequent to passing the examination authorized by the Department for licensure as a Surveyor Intern ~~Surveyor In Training~~, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities;

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

license as a Professional Land Surveyor; and

(7) who satisfies one of the following educational requirements:

(A) is a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule; or

(B) is a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, who has passed an examination in the fundamentals of surveying, as defined by rule. ~~who has a baccalaureate degree in a related science if he or she does not have a baccalaureate degree in land surveying from an accredited college or university.~~

(b) A person is qualified to receive a license as a Surveyor Intern ~~Land Surveyor in Training~~ and the Department shall issue a license to a person:

(1) who has applied in writing in the required form provided by the Department;

(2) (blank);

(3) who is of good moral character;

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

(5) who has passed an examination authorized by the

Department to determine his or her fitness to receive a license as a Surveyor Intern ~~Land Surveyor in Training~~ in accordance with this Act.

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

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/13) (from Ch. 111, par. 3263)

(Section scheduled to be repealed on January 1, 2020)

Sec. 13. Minimum standards for enrollment as a Surveyor Intern. ~~Qualifications for examination for Licensed Land Surveyor in Training.~~ To enroll as a Surveyor Intern, an applicant must be:

(1) a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule;

(2) an applicant in the last year of an approved land surveying or related science curriculum who passes an examination in the fundamentals of surveying, as defined by rule, and furnishes proof that the applicant graduated within a 12-month period following the examination; or

(3) a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying

curriculum and the related science courses, as defined by rule, who passes an examination in the fundamentals of surveying, as defined by rule.

~~Applicants for the examination for Land Surveyor-in-Training shall have:~~

~~(1) a baccalaureate degree in Land Surveying from an accredited college or university program; or~~

~~(2) a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Department approved curriculum of an accredited institution.~~

(Source: P.A. 96-626, eff. 8-24-09; 97-543, eff. 1-1-12.)

(225 ILCS 330/14) (from Ch. 111, par. 3264)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. License to be displayed. Every holder of a license as a Professional Land Surveyor or Surveyor Intern ~~Land Surveyor-in-Training~~ shall display it in a conspicuous location in his or her office, place of business, or place of employment.

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

(225 ILCS 330/16) (from Ch. 111, par. 3266)

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Unlawful to practice without license or registration. It is unlawful for any person, sole

proprietorship, professional service corporation, corporation, partnership, limited liability company, or other entity to practice land surveying, or advertise or display any sign, card or other device which might indicate to the public that the person or entity is entitled to practice as a land surveyor, or use the initials "P.L.S.", "L.S.", or "S.I." ~~"S.I.T."~~, use the title "Professional Land Surveyor" or "Surveyor Intern" ~~"Land Surveyor in Training"~~ or any of their derivations, unless such person holds a valid active license as a Professional Land Surveyor or Surveyor Intern ~~Land Surveyor in Training~~ in the State of Illinois, or such professional service corporation, corporation, partnership, sole proprietorship, limited liability company, or other entity is in compliance with this Act.

(Source: P.A. 88-428.)

(225 ILCS 330/16.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 16.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a professional land surveyor or as a Surveyor Intern ~~land surveyor in training~~ without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be

assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/17) (from Ch. 111, par. 3267)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Surveyor Intern; supervision ~~Land Surveyor in Training; Supervision~~. It is unlawful for any Surveyor Intern ~~Land Surveyor in Training~~ licensed under this Act to practice or attempt to practice land surveying except when in responsible charge under the overall supervision of a Professional Land Surveyor.

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

(225 ILCS 330/18) (from Ch. 111, par. 3268)

(Section scheduled to be repealed on January 1, 2020)

Sec. 18. Renewal, reinstatement or restoration of license; Persons in military service.

(a) The expiration date and renewal period for each license as a Professional Land Surveyor issued under this Act shall be set by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

(b) Any Professional Land Surveyor whose license has been inactive for less than 5 years is required to pay the current renewal fee and shall have his or her license restored.

(c) A Professional Land Surveyor whose license has been expired for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee.

However, any Professional Land Surveyor whose license expired while engaged (a) in federal service on active duty with the armed forces of the United States, or the State Militia called into active service or training, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have a license renewed without paying any lapsed reinstatement or restoration fees upon passing an oral examination by the Board, or without taking any examination, if approved by the Board, if, within 2 years after the termination other than by

dishonorable discharge of such service, training, or education, the licensee furnishes the Department with an affidavit to the effect the licensee was so engaged and that the service, training, or education has so terminated.

(d) A license for a Surveyor Intern does not expire ~~and~~ ~~Surveyor in Training is valid for 10 years and may not be renewed.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/23) (from Ch. 111, par. 3273)

(Section scheduled to be repealed on January 1, 2020)

Sec. 23. Address of Record; Names of licensed surveyors to be published. It is the responsibility of a Professional Land Surveyor or Surveyor Intern ~~and~~ ~~Surveyor in Training~~ to inform the Department of any change of address or name. The Department shall maintain a roster of names, ~~and~~ addresses, and email addresses of all professional land surveyors and professional design firms, partnerships, and corporations licensed or registered under this Act. This roster shall be available upon request and payment of the required fee.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/40) (from Ch. 111, par. 3290)

(Section scheduled to be repealed on January 1, 2020)

Sec. 40. Temporary suspension of a license. The Secretary may temporarily suspend the license of a Professional Land

Surveyor or Surveyor Intern ~~Land Surveyor in Training~~ without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29 of this Act, if the Secretary finds that evidence in his possession indicates that a Professional Land Surveyor's or Surveyor Intern's ~~Land Surveyor in Training's~~ continuation in practice would constitute an imminent danger to the public. In the event that the Secretary temporarily suspends the license of a Professional Land Surveyor or Surveyor Intern ~~Land Surveyor in Training~~ without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/48) (from Ch. 111, par. 3298)

(Section scheduled to be repealed on January 1, 2020)

Sec. 48. Fund, appropriations, investments and audits. The moneys deposited in the Design Professionals Administration and Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated

Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in that Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)