

1 AN ACT concerning land surveyors.

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

4 Section 5. The Illinois Professional Land Surveyor Act
5 of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 8, 12,
6 15, 20, 29, 45, and 49 as follows:

7 (225 ILCS 330/1) (from Ch. 111, par. 3251)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 1. Declaration of public policy. The practice of
10 land surveying in the State of Illinois is hereby declared to
11 affect the public health, safety, and welfare and to be
12 subject to regulation and control in the public interest. It
13 is further declared that the determination and physical
14 protraction of land boundaries, together with the attendant
15 preparation of legal descriptions and plats, which bear
16 witness for posterity ~~and-become-part-of-the-public-record~~ to
17 chronicle the acts and wishes of landowners throughout this
18 State is a matter of public interest and concern. Therefore,
19 it is in the public interest that the practice of land
20 surveying, as defined in this Act, merit and receive the
21 confidence of the public, and that only qualified persons be
22 authorized to practice land surveying in the State of
23 Illinois. This Act shall be liberally construed to best
24 carry out this purpose.

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

26 (225 ILCS 330/3) (from Ch. 111, par. 3253)

27 (Section scheduled to be repealed on January 1, 2010)

28 Sec. 3. Exceptions. This Act does not prohibit ~~-(a)~~ any
29 person licensed in this State under any other Act from
30 engaging in the practice for which that person is licensed. ;

1 ~~(b) An individual, firm, or corporation engaged in any~~
 2 ~~line of business other than the practice of land surveying~~
 3 ~~from employing a licensed land surveyor to perform land~~
 4 ~~surveying services directly incidental to the business of~~
 5 ~~that individual, firm, or corporation.~~

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

7 (225 ILCS 330/4) (from Ch. 111, par. 3254)

8 (Section scheduled to be repealed on January 1, 2010)

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

10 (a) "Department" means the Department of Professional
 11 Regulation.

12 (b) "Director" means the Director of Professional
 13 Regulation.

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

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

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

27 (f) "Design professional" means a land surveyor,
 28 architect, structural engineer, or professional engineer
 29 licensed practicing in conformance with this Act, the
 30 Illinois Architecture Practice Act of 1989, the Structural
 31 Engineering Practice Act of 1989, or the Professional
 32 Engineering Practice Act of 1989.

33 (g) "Professional Land Surveyor" means any person

1 licensed under the laws of the State of Illinois to practice
2 land surveying, as defined by this Act or its rules.

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

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

13 (Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; 92-16,
14 eff. 6-28-01.)

15 (225 ILCS 330/5) (from Ch. 111, par. 3255)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 5. Practice of land surveying defined. Any one or
18 combination of the following practices constitutes the
19 practice of land surveying:

20 (a) ~~Surveying, preparation of boundary descriptions and~~
21 ~~measuring the area of any portion of the earth's surface, the~~
22 ~~lengths and directions of the boundary lines, or the contour~~
23 ~~of the surface for their determination and description for~~
24 ~~conveying or for recording, or for~~ Establishing or
25 reestablishing, locating, defining, and making or monumenting
26 land boundaries or lines and the platting of lands and
27 subdivisions;

28 (b) Establishing Surveying and measuring the area or
29 volume of any portion of the earth's surface, subsurface, or
30 surveying and measuring an area of the airspace with respect
31 to boundary lines, determining the configuration or contours
32 of any portion of the earth's surface, subsurface, or
33 airspace or the location of fixed objects thereon, except as

1 performed by photogrammetric methods over the earth's
2 surface, to determine the location of property rights;

3 (c) Preparing descriptions for the determination of
4 title rights to any portion or volume of the earth's surface,
5 subsurface, or airspace involving the lengths and direction
6 of boundary lines, areas, parts of platted parcels or the
7 contours of the earth's surface, subsurface, or airspace
8 Preparing, and attesting to the accuracy of, a map or plat
9 showing the land boundaries or lines and the marks and
10 monuments of the boundaries, or of a map or plat showing the
11 boundaries of subsurface or air rights;

12 (d) Executing and issuing certificates, endorsements,
13 reports, or plats which portray the relationship between
14 existing physical objects or structures and one or more
15 corners or boundaries of any tract or lot of land or
16 boundaries of a portion of the surface, subsurface, or
17 airspace;

18 (e) Labeling, designating, naming, or otherwise
19 identifying legal lines, ~~property lines~~ or land title lines
20 of the United States Rectangular System or any subdivision
21 thereof on any photograph, photographic composite, or mosaic
22 or photogrammetric map of any portion of the earth's surface
23 for the purpose of recording the same in the Office of
24 Recorder or Registrar of Titles in any county;

25 (f) Determining the position for any monument or
26 reference point which marks a property line, boundary, or
27 corner, or to set, reset, or replace any the monument or
28 reference point on any property;

29 (g) Acting in direct supervision and control of land
30 surveying activities or conducting as a manager in any place
31 of business which solicits, performs, or practices land
32 surveying;

33 (h) Any act or combination of acts that which would
34 be viewed as offering professional land surveying services

1 including:

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

5 (2) providing any sketch, map, plat, report,
6 monument record, or other document which indicates land
7 boundaries and monuments, or accessory monuments thereto,
8 except that if the sketch, map, plat, report, monument
9 record, or other document is a copy of an original
10 prepared by a Professional Land Surveyor, and if proper
11 reference to that fact be made on that document;

12 (f) Determining the position for any monument or
13 reference point that marks a title line, boundary, or corner,
14 or to set, reset, or replace any monument or reference point
15 on any property;

16 (g) Creating, preparing, or modifying electronic or
17 computerized data relative to the performance of activities
18 in items (a) through (f) of this Section;

19 (h) Establishing any control network or adjusting of
20 cadastral data as it pertains to items (a) through (g) of
21 this Section;

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

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

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

1 (1) ~~(i)~~ Offering or soliciting to perform any of the
2 services set forth in this Section.

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

4 (225 ILCS 330/6) (from Ch. 111, par. 3256)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 6. Powers and duties of the Department.

7 (a) The Department shall exercise the powers and duties
8 prescribed by The Illinois Administrative Procedure Act for
9 the administration of licensing Acts. The Department shall
10 also exercise, subject to the provisions of this Act, the
11 following powers and duties:

12 (1) Conduct or authorize examinations to ascertain
13 the fitness and qualifications of applicants for
14 licensure and issue licenses to those who are found to be
15 fit and qualified.

16 (2) Prescribe rules for a method of examination.

17 (3) Conduct hearings on proceedings to revoke,
18 suspend, or refuse to issue, renew, or restore a license,
19 or other disciplinary actions.

20 (4) Promulgate rules and regulations required for
21 the administration of this Act.

22 (5) License corporations and partnerships for the
23 practice of professional surveying and issue a license to
24 those who qualify.

25 (6) Prescribe, adopt, and amend rules as to what
26 shall constitute a surveying or related science
27 curriculum, determine if a specific surveying curriculum
28 is in compliance with the rules, and terminate the
29 approval of a specific surveying curriculum for
30 non-compliance with such rules.

31 (7) Maintain membership in the National Council of
32 Engineering Examiners or a similar organization and
33 participate in activities of the Council or organization

1 by designating individuals for the various
2 classifications of membership and appoint delegates for
3 attendance at zone and national meetings of the Council
4 or organization.

5 (8) Obtain written recommendations from the Board
6 regarding qualification of individuals for licensing,
7 definition of curriculum content and approval of
8 surveying curriculums, standards of professional conduct
9 and disciplinary actions, promulgate and amend the rules
10 affecting these matters, and consult with the Board on
11 other matters affecting administration of the Act.

12 (a-5) The Department may promulgate rules for a Code of
13 Ethics and Standards of Practice to be followed by persons
14 licensed under this Act. The Department shall consider the
15 recommendations of the Board in establishing the Code of
16 Ethics and Standards of Practice.

17 (b) The Department shall consult with the Board in
18 promulgating rules. Notice of proposed rulemaking shall be
19 transmitted to the Board and the Department shall review the
20 Board's response and recommendations.

21 (c) The Department shall review the Board's
22 recommendation of the applicants' qualifications. The
23 Director shall notify the Board in writing with an
24 explanation of any deviation from the Board's recommendation.
25 After review of the Director's written explanation of his or
26 her reasons for deviation, the Board shall have the
27 opportunity to comment upon the Director's decision.

28 Whenever the Director is not satisfied that substantial
29 justice has been done in the revocation or suspension of a
30 license, or other disciplinary action the Director may order
31 re-hearing by the same or other boards.

32 None of the functions, powers or duties enumerated in
33 this Section shall be exercised by the Department except upon
34 the action and report in writing of the Board.

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

2 (225 ILCS 330/8) (from Ch. 111, par. 3258)

3 (Section scheduled to be repealed on January 1, 2010)

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

7 (a) Review education and experience qualifications
8 of applicants to determine eligibility as a Professional
9 Land Surveyor or Land Surveyor-in-Training and submit to
10 the Director written recommendations on applicant
11 qualifications for licensing;

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

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

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

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

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

28 (g) Hold at least 4 3 regular meetings each year;
29 and

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

33 A quorum of the Board shall consist of a majority of

1 Board members appointed.

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

3 (225 ILCS 330/12) (from Ch. 111, par. 3262)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 12. Qualifications for licensing.

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

9 (1) who has applied in writing in the required form
10 and substance to the Department;

11 (2) (blank);

12 (3) who is of good moral character;

13 (4) who has been issued a license as a Land
14 Surveyor-in-Training;

15 (5) who, subsequent to passing an examination for
16 licensure as a Surveyor-In-Training, has at least 4 years
17 of responsible charge experience verified by a
18 professional land surveyor in direct supervision and
19 control of his or her activities ~~has-at-least-4-years-of~~
20 ~~responsible-charge-experience, subsequent to passage of~~
21 ~~an examination for licensure as a Land~~
22 ~~Surveyor-in-Training, verified by a Professional Land~~
23 ~~Surveyor in responsible charge of land surveying~~
24 ~~operations under the direct supervision and control of a~~
25 ~~Professional Land Surveyor; and~~

26 (6) who has passed an examination authorized by the
27 Department to determine his or her fitness to receive a
28 license as a Professional Land Surveyor.

29 (b) A person is qualified to receive a license as a Land
30 Surveyor-in-Training and the Department shall issue a license
31 to a person:

32 (1) who has applied in writing in the required form
33 and substance to the Department;

- 1 (2) (blank);
- 2 (3) who is of good moral character;
- 3 (4) who has the required education as set forth in
- 4 this Act; and
- 5 (5) who has passed an examination authorized by the
- 6 Department to determine his or her fitness to receive a
- 7 license as a Land Surveyor-in-Training in accordance with
- 8 this Act.

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

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

14 (225 ILCS 330/15) (from Ch. 111, par. 3265)
 15 (Section scheduled to be repealed on January 1, 2010)
 16 Sec. 15. Seal. Every Professional Land Surveyor shall
 17 have a reproducible seal or facsimile, which may be computer
 18 generated, the impression of which shall contain the name of
 19 the land surveyor, his or her place of business, the license
 20 number, of the Professional Land Surveyor, and the words
 21 "Professional Land Surveyor, State of Illinois". Signatures
 22 generated by computer or rubber stamp shall not be permitted.

23 A Professional Land Surveyor shall seal all documents
 24 prepared by or under the direct supervision and control of
 25 the Professional Land Surveyor. Any seal authorized or
 26 approved by the Department under the Illinois Land Surveyors
 27 Act shall serve the same purpose as the seal provided for by
 28 this Act. ~~Signatures--generated--by--computer--shall--not--be~~
 29 ~~permitted.~~ The licensee's written signature and date of
 30 signing along with the date of license expiration shall be
 31 placed adjacent to the seal.

32 (Source: P.A. 90-655, eff. 7-30-98; 91-132, eff. 1-1-00.)

1 (225 ILCS 330/20) (from Ch. 111, par. 3270)
2 (Section scheduled to be repealed on January 1, 2010)
3 Sec. 20. Endorsement. Upon payment of the required fee,
4 an applicant who is a Professional Land Surveyor, registered,
5 licensed, or otherwise legally recognized as a Land Surveyor
6 under the laws of another state or territory of the United
7 States may be granted a license as an Illinois Professional
8 Land Surveyor by the Department with approval of the Board
9 upon the following conditions:

10 (a) That the applicant meets the requirements for
11 licensing in this State, and that the requirements for
12 licensing or other legal recognition of Land Surveyors in
13 the particular state or territory were, at the date of
14 issuance of the license or certificate, equivalent to the
15 requirements then in effect in the State of Illinois; and

16 (b) That the applicant passes a jurisdictional
17 examination to determine the applicant's knowledge of the
18 surveying tasks unique to the State of Illinois and the
19 laws pertaining thereto.

20 (Source: P.A. 90-602, eff. 6-26-98; 91-132, eff. 1-1-00.)

21 (225 ILCS 330/29) (from Ch. 111, par. 3279)
22 (Section scheduled to be repealed on January 1, 2010)
23 Sec. 29. Investigations; notice and hearing. A license
24 or registration issued under the provisions of this Act may
25 be revoked, suspended, not renewed or restored, or otherwise
26 disciplined, or applications for license or registration may
27 be refused, in the manner set forth in this Act. The
28 Department may, upon its own action, and shall, upon the
29 verified complaint in writing of any person setting forth
30 facts which, if proven, would constitute grounds for
31 discipline, investigate the actions of any person or other
32 entity holding, applying for or claiming to hold a license,
33 or practicing or offering to practice land surveying. Before

1 the initiation of an investigation, the matter shall be
2 reviewed by a subcommittee of the Board according to
3 procedures established by rule for the Complaint Committee.
4 The Department shall, before refusing to issue, renew or
5 restore, suspending or revoking any license or registration,
6 or imposing any other disciplinary action, at least 30 days
7 prior to the date set for the hearing, notify the person
8 accused in writing of any charges made and shall direct the
9 person or entity to file a written answer to the Board under
10 oath within 20 days after the service of the notice and
11 inform the person or entity that if the person or entity
12 fails to file an answer default will be taken and that the
13 license or certificate may be suspended, revoked, placed on
14 probationary status, or other disciplinary action may be
15 taken, including limiting the scope, nature or extent of
16 practice, as the Director may deem proper. The Department
17 shall afford the accused person or entity an opportunity to
18 be heard in person or by counsel in reference to the charges
19 changes. This written notice may be served by personal
20 delivery to the accused person or entity or certified mail to
21 the last address specified by the accused person or entity in
22 the last notification to the Department. In case the person
23 or entity fails to file an answer after receiving notice, his
24 or her license or certificate may, in the discretion of the
25 Department, be suspended, revoked, or placed on probationary
26 status, or the Department may take whatever disciplinary
27 action deemed proper, including limiting the scope, nature,
28 or extent of the person's practice or the imposition of a
29 fine, without a hearing, if the act or acts charged
30 constitute sufficient grounds for such action under this Act.
31 At the time and place fixed in the notice, the Board shall
32 hear the charges and the accused person or entity shall be
33 accorded ample opportunity to present any statements,
34 testimony, evidence and argument as may be relevant to the

1 charges or their defense. The Board may continue the hearing
2 from time to time.

3 The Board may from time to time and in co-operation with
4 the Department's legal advisors employ individual land
5 surveyors possessing the same minimum qualifications as
6 required for Board candidates to assist with its
7 investigative duties.

8 Persons who assist the Department as consultants or
9 expert witnesses in the investigation or prosecution of
10 alleged violations of the Act, licensure matters, restoration
11 proceedings, or criminal prosecutions, are not liable for
12 damages in any civil action or proceeding as a result of
13 their assistance, except upon proof of actual malice. The
14 Attorney General shall defend these persons in any such
15 action or proceeding.

16 (Source: P.A. 87-1031; 88-428.)

17 (225 ILCS 330/45) (from Ch. 111, par. 3295)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 45. Entry upon adjoining land; Liability for
20 damages. A Professional Land Surveyor, or persons under his
21 direct supervision, together with his survey party, who, in
22 the course of making a survey, finds it necessary to go upon
23 the land of a party or parties other than the one for whom
24 the survey is being made is not liable for civil or criminal
25 trespass as--a--trespasser and is liable only for any actual
26 damage done to the land or property.

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

28 (225 ILCS 330/49) (from Ch. 111, par. 3299)

29 (Section scheduled to be repealed on January 1, 2010)

30 Sec. 49. The provisions of this Act, insofar as they are
31 the same or substantially the same as those of any prior law
32 concerning the licensure of land surveyors, shall be

1 construed as a continuation of such prior law and not as a
2 new enactment.

3 Any existing injunction or temporary restraining order
4 validly obtained under the Illinois Land Surveyors Act which
5 prohibits the unlicensed unregistered practice of land
6 surveying or prohibits or requires any other conduct in
7 connection with the practice of land surveying, or any
8 disciplinary action begun under the Illinois Land Surveyors
9 Act are not invalidated by the enactment of this Act and
10 shall continue to have full force and effect on and after the
11 effective date of this Act. All certificates of registration
12 and enrollments in effect on December 31, 1989 issued
13 pursuant to the Illinois Land Surveyors Act are reinstated
14 under this Act for the balance of the term for which last
15 issued. All rules and regulations in effect on December 31,
16 1989 and promulgated pursuant to the Illinois Land Surveyors
17 Act shall remain in full force and effect on and after the
18 effective date of this Act without being promulgated again by
19 the Department, except to the extent any such rule or
20 regulation is inconsistent with any provision of this Act.

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