

1 Illinois. This Act shall be liberally construed to best
2 carry out this purpose.

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

4 (225 ILCS 330/3) (from Ch. 111, par. 3253)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 3. Exceptions. This Act does not prohibit: (a) any
7 person licensed in this State under any other Act from
8 engaging in the practice for which that person is licensed;

9 ~~(b) An individual, firm, or corporation engaged in any
10 line of business other than the practice of land surveying
11 from employing a licensed land surveyor to perform land
12 surveying services directly incidental to the business of
13 that individual, firm, or corporation.~~

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

15 (225 ILCS 330/4) (from Ch. 111, par. 3254)

16 (Section scheduled to be repealed on January 1, 2010)

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

18 (a) "Department" means the Department of Professional
19 Regulation.

20 (b) "Director" means the Director of Professional
21 Regulation.

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

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

31 (e) "Responsible charge" means an individual responsible
32 for the various components of the land survey operations

1 subject to the overall supervision and control of the
2 Professional Land Surveyor.

3 (f) "Design professional" means a land surveyor,
4 architect, structural engineer, or professional engineer
5 licensed ~~practicing~~ in conformance with this Act, the
6 Illinois Architecture Practice Act of 1989, the Structural
7 Engineering Practice Act of 1989, or the Professional
8 Engineering Practice Act of 1989.

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

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

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

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

24 (225 ILCS 330/5) (from Ch. 111, par. 3255)

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

26 Sec. 5. Practice of land surveying defined. Any one or
27 combination of the following practices constitutes the
28 practice of land surveying:

29 (a) ~~Surveying,--preparation-of-boundary-descriptions-and~~
30 ~~measuring-the-area-of-any-portion-of-the-earth's-surface,--the~~
31 ~~lengths-and-directions-of-the-boundary-lines,--or-the--contour~~
32 ~~of--the--surface--for-their-determination-and-description-for~~
33 ~~conveying--or--for--recording,---or---for~~ Establishing or

1 reestablishing, locating, defining, and making or monumenting
2 land boundaries or lines and the platting of lands and
3 subdivisions;

4 (b) Establishing Surveying-and--measuring the area or
5 volume of any portion of the earth's surface, subsurface, or
6 surveying-and-measuring-an-area-of-the airspace with respect
7 to boundary lines, determining the configuration or contours
8 of any portion of the earth's surface, subsurface, or
9 airspace or the location of fixed objects thereon ever--the
10 earth's--surface,--to--determine--the--location--of--property
11 rights;

12 (c) Preparing descriptions for the determination of
13 title rights to any portion or volume of the earth's surface,
14 subsurface, or airspace involving the lengths and direction
15 of boundary lines, areas, parts of platted parcels or the
16 contours of the earth's surface, subsurface, or airspace
17 Preparing,--and--attesting--to--the--accuracy--of,--a--map--or--plat
18 showing--the--land--boundaries--or--lines--and--the--marks--and
19 monuments--of--the--boundaries,--or--of--a--map--or--plat--showing--the
20 boundaries--of--subsurface--or--air--rights;

21 (d) Executing--and--issuing--certificates,--endorsements,
22 reports,--or--plats--which--portray--the--relationship--between
23 existing--physical--objects--or--structures--and--one--or--more
24 corners--or--boundaries--of--any--tract--or--lot--of--land--or
25 boundaries--of--a--portion--of--the--surface,--subsurface,--or
26 airspace;

27 (e) Labeling, designating, naming, or otherwise
28 identifying legal lines, ~~property lines~~ or land title lines
29 of the United States Rectangular System or any subdivision
30 thereof on any photograph, photographic composite, or mosaic
31 or photogrammetric map of any portion of the earth's surface
32 for the purpose of recording the same in the Office of
33 Recorder ~~or Registrar of Titles~~ in any county;

34 (f) Determining--the--position--for--any--monument--or

1 reference-point-which-marks-a--property--line,--boundary,--or
2 corner,--or--to--set,--reset,--or-replace-any-the-monument-or
3 reference-point-on-any-property;

4 (g) Acting-in-direct-supervision--and--control--of--land
5 surveying--activities-or-conducting-as-a-manager-in-any-place
6 of-business--which--solicits,--performs,--or--practices--land
7 surveying;

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

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

14 (2) providing any sketch, map, plat, report,
15 monument record, or other document which indicates land
16 boundaries and monuments, or accessory monuments thereto,
17 except that if the sketch, map, plat, report, monument
18 record, or other document is a copy of an original
19 prepared by a Professional Land Surveyor, and if proper
20 reference to that fact be made on that document;

21 (f) Determining the position for any monument or
22 reference point that marks a title line, boundary, or corner,
23 or to set, reset, or replace any monument or reference point
24 on any property;

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

28 (h) Establishing any control network or adjusting of
29 cadastral data as it pertains to items (a) through (g) of
30 this Section;

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

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

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

10 (l) (i) Offering or soliciting to perform any of the
 11 services set forth in this Section.

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

13 (225 ILCS 330/6) (from Ch. 111, par. 3256)

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

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

16 (a) The Department shall exercise the powers and duties
 17 prescribed by The Illinois Administrative Procedure Act for
 18 the administration of licensing Acts. The Department shall
 19 also exercise, subject to the provisions of this Act, the
 20 following powers and duties:

21 (1) Conduct or authorize examinations to ascertain
 22 the fitness and qualifications of applicants for
 23 licensure and issue licenses to those who are found to be
 24 fit and qualified.

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

26 (3) Conduct hearings on proceedings to revoke,
 27 suspend, or refuse to issue, renew, or restore a license,
 28 or other disciplinary actions.

29 (4) Promulgate rules and regulations required for
 30 the administration of this Act.

31 (5) License corporations and partnerships for the
 32 practice of professional surveying and issue a license to
 33 those who qualify.

1 (6) Prescribe, adopt, and amend rules as to what
2 shall constitute a surveying or related science
3 curriculum, determine if a specific surveying curriculum
4 is in compliance with the rules, and terminate the
5 approval of a specific surveying curriculum for
6 non-compliance with such rules.

7 (7) Maintain membership in the National Council of
8 Engineering Examiners or a similar organization and
9 participate in activities of the Council or organization
10 by designating individuals for the various
11 classifications of membership and appoint delegates for
12 attendance at zone and national meetings of the Council
13 or organization.

14 (8) Obtain written recommendations from the Board
15 regarding qualification of individuals for licensing,
16 definition of curriculum content and approval of
17 surveying curriculums, standards of professional conduct
18 and disciplinary actions, promulgate and amend the rules
19 affecting these matters, and consult with the Board on
20 other matters affecting administration of the Act.

21 (a-5) The Department may promulgate rules for a Code of
22 Ethics and Standards of Practice to be followed by persons
23 licensed under this Act. The Department shall consider the
24 recommendations of the Board in establishing the Code of
25 Ethics and Standards of Practice.

26 (b) The Department shall consult with the Board in
27 promulgating rules. Notice of proposed rulemaking shall be
28 transmitted to the Board and the Department shall review the
29 Board's response and recommendations.

30 (c) The Department shall review the Board's
31 recommendation of the applicants' qualifications. The
32 Director shall notify the Board in writing with an
33 explanation of any deviation from the Board's recommendation.
34 After review of the Director's written explanation of his or

1 her reasons for deviation, the Board shall have the
2 opportunity to comment upon the Director's decision.

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

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

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

11 (225 ILCS 330/8) (from Ch. 111, par. 3258)

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

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

16 (a) Review education and experience qualifications
17 of applicants to determine eligibility as a Professional
18 Land Surveyor or Land Surveyor-in-Training and submit to
19 the Director written recommendations on applicant
20 qualifications for licensing;

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

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

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

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

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

4 (g) Hold at least 8 3 regular meetings each year;
5 and

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

9 A quorum of the Board shall consist of a majority of
10 Board members appointed.

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

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

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

14 Sec. 12. Qualifications for licensing.

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

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

20 (2) (blank);

21 (3) who is of good moral character;

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

24 (5) who, subsequent to passing an examination for
25 licensure as a Surveyor-In-Training, has at least 4 years
26 of responsible charge experience verified by a
27 professional land surveyor in direct supervision and
28 control of his or her activities ~~has-at-least-4-years-of~~
29 ~~responsible-charge-experience, subsequent to passage of~~
30 ~~an examination for licensure as a Land~~
31 ~~Surveyor-in-Training, verified by a Professional Land~~
32 ~~Surveyor in responsible charge of land surveying~~
33 ~~operations under the direct supervision and control of a~~

1 Professional-Land-Surveyor; and

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

5 (b) A person is qualified to receive a license as a Land
6 Surveyor-in-Training and the Department shall issue a license
7 to a person:

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

10 (2) (blank);

11 (3) who is of good moral character;

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

14 (5) who has passed an examination authorized by the
15 Department to determine his or her fitness to receive a
16 license as a Land Surveyor-in-Training in accordance with
17 this Act.

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

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

23 (225 ILCS 330/15) (from Ch. 111, par. 3265)

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

25 Sec. 15. Seal. Every Professional Land Surveyor shall
26 have a reproducible seal or facsimile, which may be computer
27 generated, the impression of which shall contain the name of
28 the land surveyor, his or her place of business, the license
29 number, of the Professional Land Surveyor, and the words
30 "Professional Land Surveyor, State of Illinois". Signatures
31 generated by computer or rubber stamp shall not be permitted.

32 A Professional Land Surveyor shall seal all documents
33 prepared by or under the direct supervision and control of

1 the Professional Land Surveyor. Any seal authorized or
2 approved by the Department under the Illinois Land Surveyors
3 Act shall serve the same purpose as the seal provided for by
4 this Act. ~~Signatures--generated--by--computer--shall--not--be~~
5 ~~permitted.~~ The licensee's written signature and date of
6 signing along with the date of license expiration shall be
7 placed adjacent to the seal.

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

9 (225 ILCS 330/20) (from Ch. 111, par. 3270)

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

11 Sec. 20. Endorsement. Upon payment of the required fee,
12 an applicant who is a Professional Land Surveyor, registered,
13 licensed, or otherwise legally recognized as a Land Surveyor
14 under the laws of another state or territory of the United
15 States may be granted a license as an Illinois Professional
16 Land Surveyor by the Department with approval of the Board
17 upon the following conditions:

18 (a) That the applicant meets the requirements for
19 licensing in this State, and that the requirements for
20 licensing or other legal recognition of Land Surveyors in
21 the particular state or territory were, at the date of
22 issuance of the license or certificate, equivalent to the
23 requirements then in effect in the State of Illinois; and

24 (b) That the applicant passes a jurisdictional
25 examination to determine the applicant's knowledge of the
26 surveying tasks unique to the State of Illinois and the
27 laws pertaining thereto.

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

29 (225 ILCS 330/29) (from Ch. 111, par. 3279)

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

31 Sec. 29. Investigations; notice and hearing. A license
32 or registration issued under the provisions of this Act may

1 be revoked, suspended, not renewed or restored, or otherwise
2 disciplined, or applications for license or registration may
3 be refused, in the manner set forth in this Act. The
4 Department may, upon its own action, and shall, upon the
5 verified complaint in writing of any person setting forth
6 facts which, if proven, would constitute grounds for
7 discipline, investigate the actions of any person or other
8 entity holding, applying for or claiming to hold a license,
9 or practicing or offering to practice land surveying. Before
10 the initiation of an investigation, the matter shall be
11 reviewed by a subcommittee of the Board according to
12 procedures established by rule for the Complaint Committee.
13 The Department shall, before refusing to issue, renew or
14 restore, suspending or revoking any license or registration,
15 or imposing any other disciplinary action, at least 30 days
16 prior to the date set for the hearing, notify the person
17 accused in writing of any charges made and shall direct the
18 person or entity to file a written answer to the Board under
19 oath within 20 days after the service of the notice and
20 inform the person or entity that if the person or entity
21 fails to file an answer default will be taken and that the
22 license or certificate may be suspended, revoked, placed on
23 probationary status, or other disciplinary action may be
24 taken, including limiting the scope, nature or extent of
25 practice, as the Director may deem proper. The Department
26 shall afford the accused person or entity an opportunity to
27 be heard in person or by counsel in reference to the charges
28 changes. This written notice may be served by personal
29 delivery to the accused person or entity or certified mail to
30 the last address specified by the accused person or entity in
31 the last notification to the Department. In case the person
32 or entity fails to file an answer after receiving notice, his
33 or her license or certificate may, in the discretion of the
34 Department, be suspended, revoked, or placed on probationary

1 status, or the Department may take whatever disciplinary
2 action deemed proper, including limiting the scope, nature,
3 or extent of the person's practice or the imposition of a
4 fine, without a hearing, if the act or acts charged
5 constitute sufficient grounds for such action under this Act.
6 At the time and place fixed in the notice, the Board shall
7 hear the charges and the accused person or entity shall be
8 accorded ample opportunity to present any statements,
9 testimony, evidence and argument as may be relevant to the
10 charges or their defense. The Board may continue the hearing
11 from time to time.

12 The Board may from time to time and in co-operation with
13 the Department's legal advisors employ individual land
14 surveyors possessing the same minimum qualifications as
15 required for Board candidates to assist with its
16 investigative duties.

17 Persons who assist the Department as consultants or
18 expert witnesses in the investigation or prosecution of
19 alleged violations of the Act, licensure matters, restoration
20 proceedings, or criminal prosecutions, are not liable for
21 damages in any civil action or proceeding as a result of
22 their assistance, except upon proof of actual malice. The
23 Attorney General shall defend these persons in any such
24 action or proceeding.

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

26 (225 ILCS 330/45) (from Ch. 111, par. 3295)

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

28 Sec. 45. Entry upon adjoining land; Liability for
29 damages. A Professional Land Surveyor, or persons under his
30 direct supervision, together with his survey party, who, in
31 the course of making a survey, finds it necessary to go upon
32 the land of a party or parties other than the one for whom
33 the survey is being made is not liable for civil or criminal

1 trespass as--a--trespasser and is liable only for any actual
2 damage done to the land or property.

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

4 (225 ILCS 330/49) (from Ch. 111, par. 3299)

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

6 Sec. 49. The provisions of this Act, insofar as they are
7 the same or substantially the same as those of any prior law
8 concerning the licensure of land surveyors, shall be
9 construed as a continuation of such prior law and not as a
10 new enactment.

11 Any existing injunction or temporary restraining order
12 validly obtained under the Illinois Land Surveyors Act which
13 prohibits the unlicensed unregistered practice of land
14 surveying or prohibits or requires any other conduct in
15 connection with the practice of land surveying, or any
16 disciplinary action begun under the Illinois Land Surveyors
17 Act are not invalidated by the enactment of this Act and
18 shall continue to have full force and effect on and after the
19 effective date of this Act. All certificates of registration
20 and enrollments in effect on December 31, 1989 issued
21 pursuant to the Illinois Land Surveyors Act are reinstated
22 under this Act for the balance of the term for which last
23 issued. All rules and regulations in effect on December 31,
24 1989 and promulgated pursuant to the Illinois Land Surveyors
25 Act shall remain in full force and effect on and after the
26 effective date of this Act without being promulgated again by
27 the Department, except to the extent any such rule or
28 regulation is inconsistent with any provision of this Act.

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