



SENATE BILL 677: Surveyors Right of Entry.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 26, 2023
Introduced by:	Sens. Jarvis, McInnis	Prepared by:	Bill Patterson
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 677 would give licensed professional land surveyors and their agents, employees, or personnel under their supervision, a limited right to enter into the lands of others if necessary to perform surveys, and after making a reasonable effort to notify adjoining landowners upon whose land entry is necessary.*

CURRENT LAW: Professional land surveyors are licensed under Chapter 89C of the General Statutes. Under Articles 22 and Article 22A of Chapter 14 of the General Statutes, a person who trespasses upon lands of another without permission is subject to criminal liability.

Under 42 U.S.C. § 5195c, "critical infrastructure" is defined as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."

BILL ANALYSIS: House Bill 677 would enact new G.S. 89C-19.2 granting a licensed professional land surveyor and the surveyor's agents, employees, or personnel under the surveyor's supervision, the right to enter upon the lands of others with the surveyor's customary equipment and vehicles, if necessary to perform surveys for the practice of land surveying, including the location of property corners, boundary lines, rights-of-way, and easements.

Nothing in this section shall be construed as giving a professional land surveyor authority to destroy, injure, damage, or move anything on the lands of another without the landowner's written permission or any civil liability incurred from those actions.

An entry by a professional land surveyor as authorized by this section would not constitute trespass under Articles 22 or 22A of Chapter 14 of the General Statutes, and the surveyor making an authorized entry would not be subject to arrest or a civil action by reason of the entry.

The surveyor would be required to make reasonable efforts to notify adjoining landowners upon whose land entry is necessary, and those landowners would not be liable for injury or damage to the surveyor entering the land under this section.

The authority granted under new G.S. 89C-19.2 would not apply to lands:

- Traversed by an operating railroad or properties owned, held, used, or operated by a railroad or their subsidiaries.
- Containing critical infrastructure, as defined in 42 U.S.C. § 5195c.
- Containing "critical infrastructure facilities," defined as "critical infrastructure that is completely enclosed by a fence or other physical barriers that is obviously designed to exclude intruders or

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clearly marked with a sign or signs posted on the property that are reasonably likely to come to the attention of a person and indicate that entry is forbidden without site authorization."

EFFECTIVE DATE: This act becomes effective on October 1, 2023, and applies to acts on or after that date.