
ASSEMBLY BILL NO. 202—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF DEPARTMENT OF TRANSPORTATION)

FEBRUARY 11, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Provides for removal and perpetuation of certain monuments. (BDR 54-642)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to professional land surveyors; authorizing a professional land surveyor to remove certain monuments; prescribing the manner in which such monuments must be perpetuated; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 625.335 is hereby amended to read as follows:
2 625.335 1. A surveyor may enter public or private land, a water
3 course or a body of water to:
4 (a) Investigate, recover, establish, reestablish, rehabilitate, perpetuate or
5 use evidence of a boundary location.
6 (b) Locate, relocate, use, install , ***perpetuate*** or replace a survey
7 monument.
8 (c) Perform land or control surveying.
9 2. Before entering private land pursuant to subsection 1, a surveyor
10 must provide written notice to the owner or occupant of the land of the
11 proposed date and approximate time of entry upon the land and a statement
12 of the purpose for entry upon the land. The notice must include the name,
13 number of the license and business affiliation of the surveyor. The
14 surveyor shall obtain the approval of the owner or occupant of the land
15 before entry. An owner shall not unreasonably withhold approval of such
16 entry on his land. The provisions of this subsection are not applicable to an
17 entry made pursuant to NRS 37.050.

1 3. The provisions of this section do not relieve a surveyor from any
2 civil liability for any damage caused by his entry pursuant to subsection 1.

3 4. As used in this section, "surveyor" includes:

4 (a) A professional land surveyor or his designee.

5 (b) A surveyor employed by the Federal Government or an agency of
6 the Federal Government, the State of Nevada, a political subdivision of the
7 state or an agency of the state.

8 **Sec. 2.** NRS 625.380 is hereby amended to read as follows:

9 625.380 1. Monuments set must be sufficient in number and
10 durability and efficiently placed so as not to be readily disturbed to ensure,
11 together with monuments already existing, the perpetuation of facile
12 reestablishment of any point or line of the survey.

13 2. Any monument set by a professional land surveyor to mark or
14 reference a point on a property or boundary line must be permanently and
15 visibly marked or tagged with the number of the license of the professional
16 land surveyor setting it, each number to be preceded by the letters "P.L.S."

17 **3. *If a professional land surveyor removes a monument, other than a***
18 ***public land survey corner as defined in NRS 329.110, he shall perpetuate***
19 ***the monument by:***

20 ***(a) Tying its location to two reference monuments as defined in NRS***
21 ***329.120; and***

22 ***(b) Causing a corner record to be filed pursuant to NRS 329.150.***
23 ***A professional land surveyor is not required to replace a monument that***
24 ***is perpetuated pursuant to this subsection.***

25 **Sec. 3.** NRS 625.550 is hereby amended to read as follows:

26 625.550 1. ~~Any~~ ***Except as otherwise provided in subsection 2, a***
27 ***person who intentionally removes, changes or defaces any monument that***
28 ***has been properly established and marked by a professional land surveyor***
29 ***as required by this chapter, is guilty of a public offense, as prescribed in***
30 ***NRS 193.155, proportionate to the value of the loss resulting therefrom,***
31 ***but in no event less than a misdemeanor.***

32 2. ~~For purposes of~~ ***This section does not apply to a professional land***
33 ***surveyor who perpetuates a monument pursuant to NRS 625.380.***

34 **3. As used in** this section, the "value of the loss resulting therefrom"
35 means the cost of restoring or replacing the monuments which have been
36 removed, changed or defaced.

37 **Sec. 4.** NRS 206.220 is hereby amended to read as follows:

38 206.220 1. ~~Every~~ ***Except as otherwise provided in subsection 2,***
39 ***every*** person who willfully or maliciously:

- 1 (a) Removes any monument of stone, wood or other durable material
2 erected, or post or stake fixed or driven in the ground, for the purpose of
3 designating the corner, or any other point, in the boundary of this state or
4 any political subdivision thereof, or any lot or tract of land, or any mining
5 claim or claims;
- 6 (b) Alters the marks upon any tree, post or other monument made for
7 the purpose of designating any point, course or line, in any such boundary;
8 or
- 9 (c) Cuts down or removes any tree upon which any such marks are
10 made for that purpose, with the intent to destroy such marks,
11 is guilty of a public offense proportionate to the value of the loss resulting
12 therefrom, but in no event less than a misdemeanor.
- 13 2. ~~For purposes of~~ *This section does not apply to a professional land*
14 *surveyor who perpetuates a monument pursuant to NRS 625.380.*
- 15 3. *As used in* this section, the “value of the loss resulting therefrom”
16 means the cost of restoring or replacing the marks or monuments which
17 have been removed, altered or destroyed.