

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.

~

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.

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

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

(a) A professional land surveyor or his designee.

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

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

625.380 1. ~~[Monuments]~~ *Except as otherwise provided in subsection 3, monuments* set must be sufficient in number and durability and efficiently placed so as not to be readily disturbed to ensure, together with monuments already existing, the perpetuation of facile reestablishment of any point or line of the survey.

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

3. *Except as otherwise provided in subsection 4, if a monument cannot be set or reset because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of construction or maintenance, one or more reference monuments, as defined in NRS 329.120, must be set. In addition to the requirements for a monument set forth in subsections 1 and 2, the letters "RM" must be stamped in the tablet, disc or cap of the reference monument. One reference monument may be used if it is set on the actual line or a prolongation thereof. In all other cases, at least two reference monuments must be used. If the reference monuments do not appear on a record of survey filed in accordance with the provisions of NRS 625.340 to 625.380, inclusive, a corner record must be filed pursuant to chapter 329 of NRS.*

4. *The provisions of subsection 3 do not apply if federal law prohibits the destruction or removal of a monument.*

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

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

2. ~~[For purposes of]~~ *This section does not apply to a professional land surveyor who acts in accordance with NRS 625.380.*

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

1 **Sec. 4.** NRS 206.220 is hereby amended to read as follows:
2 206.220 1. ~~{Every}~~ *Except as otherwise provided in subsection 2,*
3 *every* person who willfully or maliciously:
4 (a) Removes any monument of stone, wood or other durable material
5 erected, or post or stake fixed or driven in the ground, for the purpose of
6 designating the corner, or any other point, in the boundary of this state or
7 any political subdivision thereof, or any lot or tract of land, or any mining
8 claim or claims;
9 (b) Alters the marks upon any tree, post or other monument made for
10 the purpose of designating any point, course or line, in any such boundary;
11 or
12 (c) Cuts down or removes any tree upon which any such marks are
13 made for that purpose, with the intent to destroy such marks,
14 is guilty of a public offense proportionate to the value of the loss resulting
15 therefrom, but in no event less than a misdemeanor.
16 2. ~~{For purposes of}~~ *This section does not apply to a professional land*
17 *surveyor who acts in accordance with NRS 625.380.*
18 3. *As used in* this section, the “value of the loss resulting therefrom”
19 means the cost of restoring or replacing the marks or monuments which
20 have been removed, altered or destroyed.