

SECOND REGULAR SESSION

# HOUSE BILL NO. 2034

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

5402H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 327.272, RSMo, and to enact in lieu thereof one new section relating to the preparation of property.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 327.272, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 327.272, to read as follows:

327.272. 1. A professional land surveyor shall include any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words including, but not limited to "registered", "professional" or "land" indicating or implying that the person is or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of land surveying, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;

(2) The monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts and preparation of property descriptions;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (4) The survey and location of rights-of-way and easements;
- 19 (5) Creating, preparing, or modifying electronic or computerized data relative to the  
20 performance of the activities in subdivisions (1) to (4) of this subsection;
- 21 (6) Consultation, investigation, design surveys, evaluation, planning, design and  
22 execution of surveys;
- 23 (7) The preparation of any drawings showing the shape, location, dimensions or area of  
24 tracts of land;
- 25 (8) Monumentation of geodetic control and the determination of their horizontal and  
26 vertical positions;
- 27 (9) Establishment of state plane coordinates;
- 28 (10) Topographic surveys and the determination of the horizontal and vertical location  
29 of any physical features on, under or above the land;
- 30 (11) The preparation of plats, maps or other drawings showing elevations and the  
31 locations of improvements and the measurement and preparation of drawings showing existing  
32 improvements after construction;
- 33 (12) Layout of proposed improvements;
- 34 (13) The determination of azimuths by astronomic observations.
- 35 2. None of the specific duties listed in subdivisions (4) to (13) of subsection 1 of this  
36 section are exclusive to professional land surveyors unless they affect real property rights. For  
37 the purposes of this section, the term "real property rights" means a recordable interest in real  
38 estate as it affects the location of land boundary lines. The validity of any document prepared  
39 between August 27, 2014, and August 28, 2015, by a provider of utility or communications  
40 services purporting to affect real property rights shall remain valid and enforceable  
41 notwithstanding that any legal description contained therein was not prepared by a professional  
42 land surveyor.
- 43 3. Professional land surveyors shall be in responsible charge of all drawings, maps,  
44 surveys, and other work product that can affect the health, safety, and welfare of the public  
45 within their scope of practice.
- 46 4. Nothing in this section shall be construed to preclude the practice of architecture or  
47 professional engineering or professional landscape architecture as provided in sections 327.091,  
48 327.181, and 327.600.
- 49 **5. Nothing in this section shall preclude a licensed attorney in this state or a**  
50 **licensed title insurance company, agent, or agency from preparing maps or other drawings,**  
51 **conducting investigations into real estate titles and descriptions, and preparing land or**  
52 **legal descriptions for clients or customers.**

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