

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 375

BY BUSINESS COMMITTEE

AN ACT

RELATING TO PLATS AND VACATIONS; AMENDING SECTION 50-1332, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH A GOVERNING BODY MAY DIRECT THE COUNTY SURVEYOR OR CONTRACT WITH A PROFESSIONAL LAND SURVEYOR IN PRIVATE PRACTICE TO SET INTERIOR MONUMENTS FOR A SUBDIVISION, TO PROVIDE CONDITIONS UNDER WHICH A SUBSTITUTE PROFESSIONAL LAND SURVEYOR MAY ASSUME RESPONSIBLE CHARGE FOR SETTING INTERIOR MONUMENTS FOR A SUBDIVISION, TO PROVIDE CONDITIONS UNDER WHICH A SUBSTITUTE PROFESSIONAL LAND SURVEYOR IS REQUIRED TO FILE A RECORD OF SURVEY AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-1332, Idaho Code, be, and the same is hereby amended to read as follows:

50-1332. SETTING INTERIOR MONUMENTS AFTER RECORDING OF PLAT -- BOND OR CASH DEPOSIT REQUIRED -- RELEASE OF BOND -- RETURN OF CASH DEPOSIT -- PAYMENT FOR SURVEY WORK -- COUNTY SURVEYOR PERFORMING SURVEY WORK. (1) If the interior monuments for a subdivision are to be set on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in the plat shall furnish, prior to recording the plat, to the governing body of the city or county which approved the plat, either a bond or cash deposit, at the option of the governing body, in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation. The estimated cost of performing such work will be determined by the professional land surveyor signing the plat.

(2) If the person subdividing the land described in subsection (1) of this section pays the professional land surveyor for performing the interior monumentation work and notifies the governing body of such payment, the governing body, within two (2) months after such notice, shall release the bond or return the cash deposit upon a finding that such payment has been made. Upon written request from the person subdividing the land, the governing body may pay the professional land surveyor from moneys within a cash deposit or bond held by it for such purpose and return the excess amount of the cash deposit, if any, to such person.

(3) In the event of the ~~death, disability, or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the inability, refusal or failure of such~~ professional land surveyor to set such the interior monuments for a subdivision, the governing body may direct the county surveyor in his official capacity or contract with a professional land surveyor in private practice to set such monuments and reference such monuments for recording as provided in section 50-1333, Idaho Code. Payment of the fees of a county surveyor or professional land surveyor in private practice performing such work shall be made as otherwise provided in this section. In the event the professional

1 land surveyor signing the plat performed his services pursuant to a contract
2 between the person subdividing the land and a business entity possessing a
3 certificate of authorization, as required in this chapter, and the profes-
4 sional land surveyor is unable, refuses or fails to set the interior monu-
5 ments for a subdivision, a substitute professional land surveyor employed by
6 the same business entity may assume responsible charge for the remainder of
7 the project and set the monuments, as provided in this chapter, and the gov-
8 erning body shall not direct the county surveyor or contract with a profes-
9 sional land surveyor in private practice to set such monuments.

10 (4) In the event any interior monument cannot be placed at the location
11 shown on the plat, the professional land surveyor shall place a witness cor-
12 ner or reference point and he shall file a record of survey as provided in
13 chapter 19, title 55, Idaho Code, to show the location of any witness corner
14 or reference point in relation to the platted location of the corner. In the
15 event the professional land surveyor signing the plat does not set the inte-
16 rior monuments for a subdivision, the substitute professional land surveyor
17 shall file a record of survey as provided in chapter 19, title 55, Idaho Code,
18 to show which monuments were set by which professional land surveyor.