

# SURVEYOR'S RIGHT OF ENTRY

Section 846.5 of the Civil Code, Section 602.8 of the Penal Code and Section 8774 of the Business and Professions Code (Professional Land Surveyors Act) provide that persons authorized to practice land surveying have a right of entry upon or to real property to investigate and utilize boundary evidence and to perform surveys, and that the owner or tenant who owns or controls property is responsible to provide access, as specified. The right of entry would not be contingent upon prior notice to the owner or tenant, but would specify that notice of the proposed time of entry shall be given to the owner or tenant where practicable.

*The people of the State of California do enact as follows:*

## **Section 846.5 of the Civil Code & Section 8774 of the B&P Code:**

(a) The right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys, is a right of persons legally authorized to practice land surveying and it shall be the responsibility of the owner or tenant who owns or controls property to provide reasonable access without undue delay. The right of entry is not contingent upon the provision of prior notice to the owner or tenant. However, the owner or tenant shall be notified of the proposed time of entry where practicable.

(b) The requirements of subdivision (a) do not apply to monuments within access-controlled portions of freeways.

(c) When required for a property survey, monuments within a freeway right-of-way shall be referenced to usable points outside the access control line by the agency having jurisdiction over the freeway when requested in writing by the registered civil engineer or licensed land surveyor who is to perform the property survey. The work shall be done within a reasonable time period by the agency in direct cooperation with the engineer or surveyor and at no charge to him.

## **Section 602.8 of the Penal Code (in pertinent part):**

(a) Any person who without the written permission of the landowner, the owner's agent, or the person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or who willfully enters upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands, is guilty of a public offense.

(c) Subdivision (a) shall not apply to any of the following:

(4) Any person licensed pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code who is engaged in the lawful practice of land surveying as authorized by Section 846.5 of the Civil Code.

*Civil Code Amended (1982), Business & Professions Code Added (1987)*

*Penal Code Amended (2004)*