

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 496 Session of
2005

INTRODUCED BY CORNELL, WALKO, RUBLEY, REICHLEY, PHILLIPS,
O'NEILL, NAILOR, STERN, GEIST, SOLOBAY, THOMAS, J. EVANS,
BUNT, CALTAGIRONE, GINGRICH, GRELL, WATSON, E. Z. TAYLOR,
PICKETT, HARPER, HESS, J. TAYLOR AND GOODMAN,
FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 2005

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for the offense of the destruction of a
4 survey monument; further providing for actions relating to
5 land surveying; and making an editorial change.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 3311. Destruction of a survey monument.

11 (a) Offense defined.--A person commits a summary offense if
12 he intentionally cuts, injures, damages, destroys, defaces or
13 removes any survey monument or marker. A person commits a
14 misdemeanor of the second degree if he willfully or maliciously
15 cuts, injures, damages, destroys, defaces or removes any survey
16 monument or marker in order to call into question a boundary
17 line.

18 (b) Restitution.--Any person convicted of violating this

1 section shall, in addition to any other penalty imposed, be
2 liable for the cost of the reestablishment of permanent survey
3 monuments or markers by a professional land surveyor and all
4 reasonable attorney fees.

5 (c) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "Professional land surveyor." As defined under the act of
9 May 23, 1945 (P.L.913, No.367), known as the Engineer, Land
10 Surveyor and Geologist Registration Law.

11 "Survey monument or marker." Any object adopted or placed by
12 a professional land surveyor to define the boundaries of a
13 property, including, but not limited to, natural objects such as
14 trees or streams, or artificial monuments such as iron pins,
15 concrete monuments, set stones or party walls.

16 Section 2. Section 5537 of Title 42 is amended to read:
17 § 5537. Land surveying.

18 All actions to recover any or all damages against any person
19 engaged in the practice of land surveying occurring as the
20 result of any deficiency, defect, omission, error or
21 miscalculation shall be commenced within [21] 12 years from the
22 time the services are performed. Any such action not commenced
23 within this [21-year] 12-year period shall be forever barred.
24 The cause of action in such cases shall accrue when the services
25 are performed. Furthermore, any action shall be commenced within
26 four years from the time that such cause of action was
27 discovered, but no later than during this [21-year] 12-year
28 limitation period. In any event, no action shall be commenced
29 after the [21] 12 years from the time that the services are
30 performed. The term "practice of land surveying" shall be the

1 same as defined under the act of May 23, 1945 (P.L.913, No.367),
2 known as the [Professional Engineers] Engineer, Land Surveyor
3 and Geologist Registration Law.

4 Section 3. This act shall take effect in 60 days.