

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, GOODMAN AND DENLINGER,  
FEBRUARY 14, 2005

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
JUNE 13, 2006

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~~ 3312. Destruction of a survey monument. <—

11 ~~(a) Offense defined. A person commits a summary offense if~~ <—

12 ~~(A) OFFENSE DEFINED.--~~ <—

13 (1) A PERSON COMMITS A SUMMARY OFFENSE IF he

14 intentionally cuts, injures, damages, destroys, defaces or

15 ~~removes any survey monument or marker. A person commits a~~ <—

16 REMOVES ANY SURVEY MONUMENT OR MARKER, OTHER THAN A NATURAL <—

17 OBJECT SUCH AS A TREE OR STREAM.

1           (2) A PERSON COMMITS A misdemeanor of the second degree  
2           if he willfully or maliciously cuts, injures, damages,  
3           destroys, defaces or removes any survey monument or marker in  
4           order to call into question a boundary line.

5           (b) Restitution.--Any person convicted of violating this  
6           section shall, in addition to any other penalty imposed, be  
7           liable for the cost of the reestablishment of permanent survey  
8           monuments or markers by a professional land surveyor and all  
9           reasonable attorney fees.

10          (c) Affirmative defense.--It is an affirmative defense to  
11          any prosecution for an offense under this section that the  
12          survey monument or marker was improperly placed by a  
13          professional land surveyor.

14          (d) Definitions.--As used in this section, the following  
15          words and phrases shall have the meanings given to them in this  
16          subsection:

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

20          "Survey monument or marker." Any object adopted or placed by  
21          a professional land surveyor to define the boundaries of a  
22          property, including, but not limited to, natural objects such as  
23          trees or streams, or artificial monuments such as iron pins,  
24          concrete monuments, set stones or party walls. THE PHRASE DOES      <—  
25          NOT INCLUDE A WOODEN STAKE PLACED BY A PROFESSIONAL LAND  
26          SURVEYOR AS A TEMPORARY MARKER OR PLACE HOLDER.

27          Section 2. Section 5537 of Title 42 is amended to read:

28          § 5537. Land surveying.

29          All actions to recover any or all damages against any person  
30          engaged in the practice of land surveying occurring as the

1 result of any deficiency, defect, omission, error or  
2 miscalculation shall be commenced within [21] 12 years from the  
3 time the services are performed. Any such action not commenced  
4 within this [21-year] 12-year period shall be forever barred.  
5 The cause of action in such cases shall accrue when the services  
6 are performed. Furthermore, any action shall be commenced within  
7 four years from the time that such cause of action was  
8 discovered, but no later than during this [21-year] 12-year  
9 limitation period. In any event, no action shall be commenced  
10 after the [21] 12 years from the time that the services are  
11 performed. The term "practice of land surveying" shall be the  
12 same as defined under the act of May 23, 1945 (P.L.913, No.367),  
13 known as the [Professional Engineers] Engineer, Land Surveyor  
14 and Geologist Registration Law.

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