

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2078

1 AN ACT TO AMEND SECTION 73-13-103, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE COMPANIES AND GOVERNMENT ENTITIES TO NOTIFY AND EXPLAIN
3 PROPOSED PUBLIC PROJECTS TO LANDOWNERS BEFORE HIRING A SURVEYOR;
4 AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 73-13-103, Mississippi Code of 1972, is
7 amended as follows:

8 73-13-103. (1) For the purposes of this section, the term
9 "surveyor" means a licensed professional surveyor as defined in
10 Section 73-13-71, and any person who is employed by or under the
11 direct supervision of a professional surveyor licensed under
12 Sections 73-13-71 through 73-13-97.

13 (2) Companies and government entities must in good faith
14 make an attempt to notify and explain proposed projects to
15 landowners prior to hiring a surveyor for the purpose of public
16 projects. Proof of sufficient attempted notice shall be required
17 from surveyors working for companies and government entities in
18 order to raise eminent domain as a defense to their unpermitted
19 presence on private property.



20 (* * *3) A surveyor may enter in or upon public or private
21 lands or waters, except buildings, while in the lawful performance
22 of surveying duties without criminal liability for trespass;
23 however, a surveyor shall make a good faith attempt to announce
24 and identify himself and his intentions before entering upon
25 private property and must present documentation sufficient to
26 identify him as a surveyor to anyone requesting such
27 identification.

28 (* * *4) The provisions of this section do not relieve a
29 surveyor from any civil liability that otherwise is actionable at
30 law or in equity, and do not relieve a surveyor from criminal
31 liability for trespass if the entry in or upon the property
32 extends beyond the property or area that is necessary to actually
33 perform the surveying duties.

34 (* * *5) Surveyors shall be personally liable for any
35 damage caused to private property when exercising entry under this
36 section. No cause of action shall lie against a landowner for
37 damages to a surveyor while on such lands unless the damage is
38 caused by the intentional tortious conduct of landowner or his
39 agent.

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2023.

