

Chapter 607

(House Bill 382)

AN ACT concerning

Criminal and Civil Trespass – Professional Land Surveyors – Exception

FOR the purpose of establishing exceptions to certain criminal prohibitions against trespass on property and the civil tort of trespass for professional land surveyors, and agents and employees of professional land surveyors, who enter the property of another to practice land surveying; and generally relating to professional land surveyors and the criminal and civil law on trespass.

BY adding to

Article – Courts and Judicial Proceedings
Section 5–427
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to

Article – Criminal Law
Section 6–412
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

5–427.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PRACTICE LAND SURVEYING” HAS THE SAME MEANING AS PROVIDED IN § 15–101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(3) “PROFESSIONAL LAND SURVEYOR” MEANS A LAND SURVEYOR WHO IS LICENSED BY THE STATE BOARD FOR PROFESSIONAL LAND SURVEYORS TO PRACTICE LAND SURVEYING.

(B) A PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A

PROFESSIONAL LAND SURVEYOR, WHO ENTERS A PROPERTY TO PRACTICE LAND SURVEYING MAY NOT BE HELD LIABLE UNDER THE COMMON LAW TORT OF TRESPASS.

(C) THIS SECTION DOES NOT:

(1) AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR AVAILABLE AT COMMON LAW OR EQUITY TO WHICH A PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A PROFESSIONAL LAND SURVEYOR, MAY BE ENTITLED; OR

(2) IMPAIR THE RIGHT OF A PERSON TO SEEK REDRESS UNDER ANY OTHER PROVISION OF THE CODE OR AT COMMON LAW OR EQUITY FOR CONDUCT BY A PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A PROFESSIONAL LAND SURVEYOR, THAT IS OTHERWISE ACTIONABLE.

Article – Criminal Law

6–412.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PRACTICE LAND SURVEYING” HAS THE SAME MEANING AS PROVIDED IN § 15–101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(3) “PROFESSIONAL LAND SURVEYOR” MEANS A LAND SURVEYOR WHO IS LICENSED BY THE STATE BOARD FOR PROFESSIONAL LAND SURVEYORS TO PRACTICE LAND SURVEYING.

(B) THIS SUBTITLE DOES NOT APPLY TO A PROFESSIONAL LAND SURVEYOR, OR AN AGENT OR EMPLOYEE OF A PROFESSIONAL LAND SURVEYOR, WHO ENTERS A PROPERTY TO PRACTICE LAND SURVEYING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.