

# **RIGHT OF ENTRY**

– Signed by the Governor

In an effort lead by NYSAPLS and Legislative Counsel, Wilson, Elser, Moskowitz, Edelman and Dicker, Governor Pataki signed into law Chapter 358 of 2004 that grants surveyors, their agents and employees authority to enter upon land in the course of making a survey. Legal protection is afforded to those who enter upon another's land during the course of making a survey.

The new law will provide surveyors with the ability to enter properties for surveying purposes, assuring the surveyor legal protection not otherwise available, while offering the landowner safety and privacy.

LAWS OF NEW YORK, 2004

## CHAPTER 358

AN ACT to amend the general obligations law, in relation to the right of entry for professional surveyors performing surveying services

Became a law August 10, 2004, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The general obligations law is amended by adding a new section 9-105 to read as follows:

**§ 9-105. Right of entry for professional land surveyor performing surveying services. When performing surveying services as a professional land surveyor licensed under article one hundred forty-five of the education law, the authorized agents or employees of any such land surveyor may enter upon or cross any lands necessary to perform surveying services.**

**1. No authority to intentionally damage an object. Nothing in this section shall be construed as giving authority or license to a professional land surveyor or the authorized agents or employees of such a land surveyor, to intentionally destroy, injure or damage any object, chattel or item on the lands of another without the permission of the owner.**

**2. Civil liability. This section shall not be construed to remove civil liability for damage to land, chattels, crops or personal property.**

3. No authority to enter building used as residence or for storage. This section shall not be construed to give a professional land surveyor, authorized agent or employee the authority to enter any building or structure used as a residence or for storage.

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate  
Assembly

SHELDON SILVER

Speaker of the

EXPLANATION--Matter in ***italics*** is new; matter in brackets [-] is old law to be omitted.

Laws of New York