



ADMINISTRATIVE RULES OF MONTANA



24.183.1111 ACTIVITIES EXCLUDED FROM SURVEYING PRACTICE

- (1) A distinction must be made between making and documenting original measurements in the creation of survey products, versus the copying, interpretation, or representation of those measurements. Further, a distinction must be made according to the intent, use, or purpose of measurement products to determine an authoritative location, versus the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of land surveying:
 - (a) Items and activities exempted in 60-2-209, MCA and 76-3-209, MCA.
 - (b) The creation of any map not used for the authoritative location of property boundaries, the definition of the shape or contour of the earth, or the location of fixed works of engineering. Examples include but are not limited to maps:
 - (i) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;
 - (ii) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;
 - (iii) prepared for or by educational institutions for use in the curriculum of any course of study;
 - (iv) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; and
 - (v) prepared by laypersons for conversational or illustrative purposes, including advertising material and users guides.
 - (c) The transcription of previously georeferenced data into a Geographic Information System (GIS) or Land Information System (LIS) by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate:
 - (i) the authoritative location of property or administrative boundaries, easements, rights of way, or other legal interest in real property;
 - (ii) the definition of the shape or contour of the earth; and
 - (iii) the location of fixed works of engineering.
 - (d) The transcription of public record data into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property or

administrative boundaries or easements, rights of way, or other legal interests in real property. Examples include:

- (i) tax maps;
 - (ii) zoning maps; and
 - (iii) school district maps.
- (e) The preparation of any document by any federal government agency that does not define real property boundaries. Examples include:
- (i) civilian and military versions of quadrangle topographic maps;
 - (ii) military maps;
 - (iii) satellite imagery;
 - (iv) aerial photography; and
 - (v) orthoimagery.
- (f) The incorporation or use of documents or databases prepared by any federal agency into a GIS/LIS. Examples include:
- (i) census and demographic data;
 - (ii) quadrangle topographic maps; and
 - (iii) military maps.
- (g) Inventory maps and databases created by any individual or organization, in either hardcopy or electronic form of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management or regulatory responsibility. The distribution of these maps and/or databases outside the organization must contain appropriate metadata clearly indicating that the data is not for design.
- (h) Maps and databases depicting the distribution of natural resources or phenomena. Examples include, but are not limited to, maps prepared by:
- (i) foresters;
 - (ii) geologists;
 - (iii) soil scientists;
 - (iv) geophysicists;
 - (v) biologists;
 - (vi) archeologists; and
 - (vii) historians.
- (i) Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by law. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.

- (j) Engineering surveys performed by a professional engineer as specifically allowed under 37-67-101(4), MCA.
- (k) Work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines, signal circuits, electric power lines, or pipelines.
- (l) The preparation of documents that create, assign, reference, or transfer interests in real property by reference to a legal description prepared by a professional land surveyor. Examples include, but are not limited to:
 - (i) contracts;
 - (ii) deeds;
 - (iii) easements;
 - (iv) certificates of location for mining claims;
 - (v) rights of way; and
 - (vi) similar documents, which may incorporate or make reference to:
 - (A) plats;
 - (B) certificates of survey;
 - (C) narrative legal descriptions; or
 - (D) exhibits prepared by a professional land surveyor.
- (m) Operating and publishing data from a continuously operating reference station (CORS).
- (n) Original data acquisition by contract or second parties for nonauthoritative purposes when the metadata is clearly labeled "Not for Design."
- (o) The acquisition, preparation, processing, manipulation, or certification of final products or original data developed or collected by remote sensing or photogrammetric methods. Control may be derived from existing sources for remote sensing or photogrammetric products, where spatial accuracy is not critical and specific map accuracy standards are not required.

Authorizing statute(s): 37-1-131, 37-67-202, MCA

Implementing statute(s): 37-1-131, 37-67-101, 37-67-103, 37-67-301, MCA

History: NEW, 2011 MAR p. 385, Eff. 3/25/11.