

**Testimony of the Board of Professional Engineers, Architects, Surveyors, and  
Landscape Architects**

**Before the  
Senate Committee on Commerce and Consumer Protection  
Friday, February 7, 2025  
9:50 a.m.  
Conference Room 229 and Videoconference**

**On the following measure:  
S.B. 1506, RELATING TO PROFESSIONAL LAND SURVEYORS.**

Chair Keohokalole and Members of the Committee:

My name is Sheena Choy, and I am the Executive Officer of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (Board). The Board will discuss this bill at its February 6, 2025 board meeting, after which it will be able to provide this committee an official position. The Board has historically appreciated the intent of and offered comments on similar measures.

The purpose of this bill is to establish a statute of repose prohibiting the commencement of a civil action against a professional land surveyor if ten years has elapsed since the latter of the date of completion of a contract or final payment for land surveying work.

During the 2024 Legislative Session, the Board offered comments on a similar measure, H.B. 2148, bringing the Committee's attention to Hawaii Revised Statutes (HRS) section 436B-22, which allows the Board to discipline a licensee regardless of the status of the license. HRS 436B-22, states:

The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the licensing authority to proceed with any investigation, action, or proceeding to revoke, suspend, condition, or limit the licensee's license or fine the licensee.

The inclusion of the language "no civil action..." in this bill appears to adequately address the Board's previous comments that similarly proposed changes would narrow the Board's ability to protect the health, safety, and welfare of the public.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1506, RELATING TO PROFESSIONAL LAND SURVEYORS.

**BEFORE THE:**

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

**DATE:** Friday, February 7, 2025

**TIME:** 9:50 a.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Roy Kwon, Deputy Attorney General

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Chair Keohokalole and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to establish a statute of repose prohibiting the commencement of a civil action against a professional land surveyor if ten years has elapsed since the latter of the date of completion of a contract or final payment for land surveying work.

This bill may be found to violate Amendment XIV, Section 1, of the United States Constitution, which states that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," and article I, section 5, of the Hawai'i Constitution, which states "[n]o person shall be . . . denied the equal protection of the laws," because it appears to treat land surveyors differently from the owner of the real property that is the subject of the contract for professional land surveying work. Specifically, the bill raises constitutional concerns because a property owner or person in control of the real property could still be held liable for damages or injuries resulting from a defective survey, even if the land surveyor was responsible for the error. *See Fujioka v. Kam*, 55 Haw. 7, 13 (1973). Unlike land surveyors, property owners receive no immunity under this bill and would also lose the right to seek indemnification from the land surveyor for any damages they are required to pay. *See Id.* at 12.

The Hawai'i Supreme Court addressed a similar issue in *Fujioka v. Kam*, ruling that a prior version of section 657-8, Hawaii Revised Statutes, which as written in 1973 was similar to this bill, to be an “arbitrary and capricious discrimination” and declared it an “invidious discrimination violative of the equal protection guaranty.” *Id.* at 13. The court stated:

[T]he general requirement of the principle of the equal protection clause is that all persons shall be treated alike under like circumstances and conditions, both in privileges conferred and in the liabilities imposed.

*Id.* (internal quotations omitted).

To ensure compliance with the equal protection clause, the bill should treat the land surveyor and the owner of the real property equally.

Thank you for the opportunity to testify.

**LATE**

Senator Jarett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

Date: February 6, 2025

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga, and members of the Senate Committee on Commerce and Consumer Protection.

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Meyer Cummins, and I am a licensed land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because, as a statute of repose, it protects and relieves Hawaii's land surveyors from the unnecessary cost and worry that arises from the uncertainty of future litigation regarding surveys that were completed years—even decades—in the past.

SB 1506 provides relief to surveyors by:

1. reducing the length of time—and related expense—for surveyors to retain and care for records of old surveys, communications, and contracts;
2. mitigating risk from "stale claims" that could easily be based upon faded memories and lost evidence, the rebuttals to which may lie in witnesses who have since left the state or passed away; and
3. reducing the likelihood that surveyors will be held responsible for alleged harm to real property arising from reasons outside of their control (e.g., human conduct and natural activity).

**Nineteen states already provide land surveyors with a bar on claims after a period of time where no injury arises from the performance of a survey.** The statutes of repose in these states range from 4 to 10 years. SB 1506 establishes a conservative 10-year cap, a reasonable and fair period of time for landowners to discover defects in their surveys and file suit should the need arise.

This is an important bill that balances both the public's interest in protecting their property and the need to mitigate unfairness that falls upon local professionals who faithfully and responsibly serve their communities. For these reasons, I humbly ask that you support SB 1506.

Mahalo nui for this opportunity to testify. I am available to answer questions.

*Meyer Cummins*

Meyer Cummins, LPLS  
(808) 294-3051

February 4, 2025

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Leo Bell, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a cause of action accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises even many years after the fact. **Senate Bill 1506** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, rebuild after natural disasters, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [leo.bell@stantec.com](mailto:leo.bell@stantec.com) and I will make myself available for questions.

*Leo Bell*

February 4, 2025

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Clayton Kaneshiro, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.


Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [clayton@hawaiiengineering.net](mailto:clayton@hawaiiengineering.net) and I will make myself available for questions.



**Hawaii Engineering Group, Inc.**

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February 4, 2025

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Joanne Williamson, and I am a licensed land surveyor in the State of Hawaii, and the Hawaii director for the National Society of Professional Surveyors. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Currently, when a claim arises from an alleged error or omission, whether valid or not, Hawaii's land surveyors and surveying firms must retain **all** records of survey. There is currently no time limit as to these claims. In many cases, claims are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and who cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms; companies owned by local families, and working for local people.**

Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, but it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a cause of action accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises, even many years after the fact. **Senate Bill 1506** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions or damages based on construction, to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, rebuild after natural disasters, and keep costs down for the people of Hawaii. This limit is in-line with the statutes of limitations and repose regarding land surveying for many states around the country.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [surv1hi@gmail.com](mailto:surv1hi@gmail.com) or 808-436-6725 and I will make myself available for questions.

*Joanne Williamson, LPLS 10555*

February 5, 2025

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Victor Rasgado, and I am a licensed land surveyor in the State of Hawaii, and the current President of the Hawaii Land Surveyors Association (HLSA). **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

**Senate Bill 1506** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

Currently, when a claim arises from an alleged error or omission, whether valid or not, Hawaii's land surveyors and surveying firms must retain **all** records of survey. There is currently no time limit as to these claims. In many cases, claims are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and who cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms; companies owned by local families, and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [victor.rasgado@stantec.com](mailto:victor.rasgado@stantec.com) or 808-208-2837 and I will make myself available for questions.



Victor M. Rasgado, LPLS 17270

February 4, 2025

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Alika K. Garo, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [alikagaro@samhirota.com](mailto:alikagaro@samhirota.com) and I will make myself available for questions.



  
Exp. 4/30/26  
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Alika K. Garo  
Licensed Professional Land Surveyor  
Certificate Number 20118

February 5, 2025

**LATE**

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Jacob Teter, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

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As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, rebuild after natural disasters, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [jacob.teter808@gmail.com](mailto:jacob.teter808@gmail.com) and I will make myself available for questions.

Thank you,

Jacob Teter

*Jacob Teter*



February 4, 2025

**LATE**

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is **Joe Charles-Uli'i Jr**, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at joecharlesjr10@gmail.com and I will make myself available for questions.

*Joe Charles-Uli'i Jr*

February 6, 2025



Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Erik Kaneshiro, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [ekaneshiro@atahawaii.com](mailto:ekaneshiro@atahawaii.com) and I will make myself available for questions.

A handwritten signature in black ink, appearing to read "Ekaneshiro", with a stylized flourish at the end.

02/06/2025

**LATE**

Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

**Subject: Support for SB 1506 – Relating to Professional Land Surveyors**

Aloha Honorable Senators Keohokalole, Fukunaga, and Committee Members,

Thank you for the opportunity to testify in support of **SB 1506**. My name is **Lin Sun**, a **Licensed Professional Land Surveyor (License No. 20910) in Hawai‘i**. This bill is crucial in protecting surveyors from indefinite liability for past surveys.

Currently, surveyors must retain records indefinitely due to the lack of a statutory time limit on claims, leading to unnecessary costs and legal exposure—even for surveys completed decades ago. In many cases, claims arise long after the original surveyor has retired or passed away, leaving firms unable to defend their work.

Establishing a reasonable statute of repose, similar to the 10-year limit for construction claims (HRS §657-8), ensures fairness while maintaining accountability. This aligns with industry standards nationwide and supports economic growth, housing development, and disaster recovery in Hawai‘i.

Mahalo for your time and consideration. Please feel free to contact me at 808-640-6776 for any questions.



Sincerely,

Lin Sun

Licensed Professional Land Surveyor

**LATE**

February 4, 2025

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is **Kenn Nishihira**, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [knishihira@knsurveying.com](mailto:knishihira@knsurveying.com) and I will make myself available for questions.

A handwritten signature in black ink that reads "Ken Nishihira". The signature is written in a cursive, flowing style.

February 4, 2025

**LATE**

**LATE**

Senator Jarrett Keohokalole, Chair

Senator Carol Fukunaga, Vice Chair

Senate Committee on Commerce and Consumer Protection

Subject: **Support for SB 1506 Relating to Professional Land Surveyors**

Aloha Honorable Senator Keohokalole, Honorable Senator Fukunaga and members of the Senate Committee on Commerce and Consumer Protection,

Thank you for allowing me to testify in support of Senate Bill 1506. My name is Arthur Sevigny, and I am a land surveyor in the State of Hawaii. **I am writing in support of Senate Bill 1506** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of future litigation for surveys that were completed years—even decades—in the past.

Presently, Hawaii's land surveyors and surveying firms must retain records of their surveys in the event that a claim arises from an alleged error or omission, whether valid or not. In many cases, these records are from surveys conducted long ago, often by surveyors who have either passed away or are no longer with the surveying company, and cannot serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a cause of action accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises even many years after the fact. **Senate Bill 1506** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.



As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, rebuild after natural disasters, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-306-0572 and I will make myself available for questions.

A handwritten signature in black ink, appearing to be "M. K. George".