

STAND. COM. REP. NO.

1380

Honolulu, Hawaii

MAR 21, 2023

RE: S.B. No. 1468
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1468, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RIGHT OF ENTRY FOR PROFESSIONAL SURVEYORS,"

begs leave to report as follows:

The purpose of this measure is to establish a right of entry for a professional land surveyor and any assistant under the direct supervision of the land surveyor to conduct a survey of real property and any adjoining lands.

Your Committee received testimony in support of this measure from the Department of Design and Construction of the City and County of Honolulu, Hawaii Land Surveyors Association, and eight individuals. Your Committee received comments on this measure from the Hawai'i Association of REALTORS and Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

Your Committee finds that there is a public interest in maintaining a sound and uniform real property system by surveying common property boundaries. Your Committee notes that to properly conduct their surveys, professional land surveyors need access to abutting lands to record boundary lines, recover or reestablish boundary monuments or survey controls, and locate rights-of-way or

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improvements with positional discrepancies. This measure balances a surveyor's important task of completing surveys with a landowner's private property rights by establishing a mechanism for the land surveyor and landowner to negotiate a mutually agreed upon time and date for a survey, if required.

Your Committee has amended this measure by:

- (1) Specifying that the right to enter does not extend to buildings, structures, residences, or vehicles;
- (2) Combining the two separate notices into a single written notice that:
 - (A) Is to be provided no less than ten days before the proposed date of entry;
 - (B) Includes information on when the entry is to occur, the scope of work, and how objections and notifications of disruptions or interferences may be raised; and
 - (C) Is to be sent to the landowner, or person with an interest in, the real property to be surveyed and the landowner or occupier of adjoining lands;
- (3) Requiring that objections by landowners be expressly communicated no later than seventy-two hours before the date the survey work is to be performed;
- (4) Clarifying that the professional land surveyor or professional land surveyor's assistant is to carry the required identification and documents;
- (5) Expanding the shield for professional land surveyors and professional land surveyor assistants from trespass laws for accidental trespasses;
- (6) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1468, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1468, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

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Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 1468 SD2	Committee Referral: CPC, JHA	Date: 3-14-23
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. SAYAMA, Jackson D. (VC)	/			
3. AMATO, Terez	/			
4. BELATTI, Della Au				/
5. HASHEM, Mark J.	/			
6. HUSSEY-BURDICK, Natalia				/
7. GATES, Cedric Asuega	/			
8. LOWEN, Nicole E.	/			
9. ONISHI, Richard H.K.	/			
10. TAM, Adrian K.				/
11. PIERICK, Elijah			/	
TOTAL (11)	7		1	3

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: