

## ACT 79

S.B. NO. 2167

A Bill for an Act Relating to Professions and Vocations.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 464-1, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

““Land surveying” means any professional service or work which involves the application of specialized knowledge of the principles of mathematics, the physical and applied sciences, and the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features on the surface and immediate subsurface of the earth, or on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the size, shape, topography, elevation datum planes, legal or geodetic location or relocation, or orientation of improved or unimproved real property and appurtenances thereto, including acreage. Land surveying includes but is not limited to:

- (1) Evaluating and determining boundary evidence collected through field surveys, boundary studies, or other means;
- (2) Using the principles of land surveying to:
  - (A) Determine the position for any monument or reference point which marks a property line, boundary corner, right-of-way, easement, or alignment of those lines;
  - (B) Set, reset, recover, or replace any such monument or reference point; or
  - (C) Perform topographical surveys;
- (3) Giving an authoritative reference or interpretation as to the location of a property line, boundary, right-of-way, easement, or any related corner position;
- (4) Creating or modifying record plats for cadastral surveys including consolidation, subdivision, resubdivision, rights-of-way, easements, determination of areas, mathematical closures, and elevations of land parcels;
- (5) Creating or modifying land surveying descriptions of property lines and easements, or editing their content for use in legal instruments that convey real property and property rights;

- (6) Rendering a statement or certification regarding the positional accuracy of land surveying maps, record drawings, field surveys, or measured survey data;
- (7) Creating or modifying the content of electronic data, computerized drawings, or any other survey map relative to the practice of land surveying; or
- (8) Setting, resetting, or replacing initial survey control points, including benchmarks to provide horizontal and vertical data on or in the vicinity of a construction or engineering project to enable any components of the project to be built in compliance with plans and specifications with respect to the project location, orientation, elevation, and relationship to property lines, easements, or right-of-way boundaries.

This definition shall not apply to any person working within the scope of practice of another licensed profession; provided that the person does not purport to be a land surveyor.

“Professional surveyor”, “professional land surveyor”, or “land surveyor” means a person who holds oneself out as able to practice, or who does practice, land surveying in this State.”

2. By amending the definition of “landscape architect” to read:

“Landscape architect” means a person who holds oneself out as able to perform, or who does perform, any professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and observation of construction where the dominant purpose of the services is:

- (1) The preservation and enhancement of land uses and natural land features;
- (2) The location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and
- (3) The design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading.

This practice shall include the location, arrangement, and design of tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities; provided that nothing in this chapter shall empower a landscape architect licensed under this chapter from practicing or offering to practice architecture or engineering in any of its various recognized branches.”

3. By repealing the definition of “surveyor” or “land surveyor”:

[“Surveyor” or “land surveyor” means a person who holds oneself out as able to make, or who does make cadastral surveys of areas for their correct determination and description, either for conveyancing or for the establishment or reestablishment of land boundaries or the plotting of lands and subdivisions thereof.”]

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 26, 2012.)