



GOV. MSG. NO. 1180

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 26, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

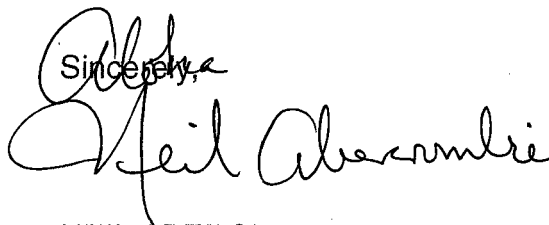
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 26, 2012, the following bill was signed into law:

SB2167 SD1 HD2

RELATING TO PROFESSIONS AND  
VOCATIONS.

**Act 079 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

on APR 26 2012

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 079

S.B. NO. 2167  
S.D. 1  
H.D. 2

---

---

# A BILL FOR AN ACT

RELATING TO PROFESSIONS AND VOCATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

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

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



- 1        (1) Evaluating and determining boundary evidence collected
- 2            through field surveys, boundary studies, or other
- 3            means;
- 4        (2) Using the principles of land surveying to:
- 5            (A) Determine the position for any monument or
- 6            reference point which marks a property line,
- 7            boundary corner, right-of-way, easement, or
- 8            alignment of those lines;
- 9            (B) Set, reset, recover, or replace any such monument
- 10           or reference point; or
- 11           (C) Perform topographical surveys;
- 12        (3) Giving an authoritative reference or interpretation as
- 13           to the location of a property line, boundary,
- 14           right-of-way, easement, or any related corner
- 15           position;
- 16        (4) Creating or modifying record plats for cadastral
- 17           surveys including consolidation, subdivision,
- 18           resubdivision, rights-of-way, easements, determination
- 19           of areas, mathematical closures, and elevations of
- 20           land parcels;
- 21        (5) Creating or modifying land surveying descriptions of
- 22           property lines and easements, or editing their content



1           for use in legal instruments that convey real property  
2           and property rights;

3           (6) Rendering a statement or certification regarding the  
4           positional accuracy of land surveying maps, record  
5           drawings, field surveys, or measured survey data;

6           (7) Creating or modifying the content of electronic data,  
7           computerized drawings, or any other survey map  
8           relative to the practice of land surveying; or

9           (8) Setting, resetting, or replacing initial survey  
10          control points, including benchmarks to provide  
11          horizontal and vertical data on or in the vicinity of  
12          a construction or engineering project to enable any  
13          components of the project to be built in compliance  
14          with plans and specifications with respect to the  
15          project location, orientation, elevation, and  
16          relationship to property lines, easements, or right-  
17          of-way boundaries.

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



1       "Professional surveyor", "professional land surveyor", or  
2 "land surveyor" means a person who holds oneself out as able to  
3 practice, or who does practice, land surveying in this State."

4       2. By amending the definition of "landscape architect" to  
5 read:

6       "\"Landscape architect" means a person who holds oneself out  
7 as able to perform, or who does perform, any professional  
8 services such as consultation, investigation, reconnaissance,  
9 research, design, preparation of drawings and specifications,  
10 and observation of construction where the dominant purpose of  
11 the services is:

12       (1) The preservation and enhancement of land uses and  
13 natural land features;

14       (2) The location and construction of aesthetically  
15 pleasing and functional approaches for structures,  
16 roadways, and walkways; and

17       (3) The design for equestrian trails, plantings, landscape  
18 irrigation, landscape lighting, and landscape grading.

19       This practice shall include the location, arrangement, and  
20 design of tangible objects and features as are incidental and  
21 necessary to the purposes outlined herein. Nothing herein shall  
22 preclude a duly licensed landscape architect from planning the



1 development of land areas and elements used thereon or from  
2 performing any of the services described in this section in  
3 connection with the settings, approaches, or environment for  
4 buildings, structures, or facilities; provided that nothing in  
5 this chapter shall empower a landscape architect licensed under  
6 this chapter from practicing or offering to practice  
7 architecture or engineering in any of its various recognized  
8 branches."

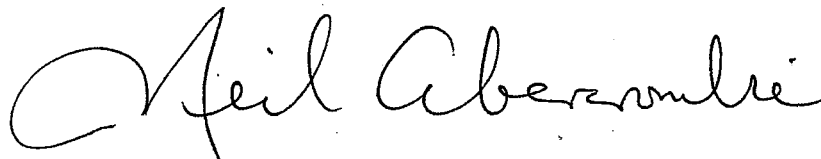
9 3. By repealing the definition of "surveyor" or "land  
10 surveyor":

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

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

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

APPROVED this 26 day of APR, 2012



GOVERNOR OF THE STATE OF HAWAII