

STAND. COM. REP. NO.

487

Honolulu, Hawaii

FEB 15 , 2023

RE: H.B. No. 1241
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 H.B. No. 1241 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 professional land surveyors and their assistants to conduct a survey.

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

Your Committee finds that there is a public interest in the maintenance of a sound and uniform real property system by surveying common property boundaries. However, your Committee finds 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 improvements with positional



discrepancies. This measure balances a surveyor's important task of completing surveys with a property owner's interest in protecting land from unconsented invasion.

Your Committee has amended this measure by:

- (1) Clarifying that the right of entry applies to:
 - (A) Land surveyors and assistants under the direct supervision of the land surveyors; and
 - (B) Real property of the landowner requesting the survey and any adjoining land;
- (2) Changing the required notice to be a ten-day notice, rather than a five-day notice;
- (3) Clarifying that the required notice is to be given to the landowner of, or person with an interest in, the real property to be surveyed and the landowner or occupier of adjoining lands;
- (4) Requiring that the land surveyor carry a valid government-issued photo identification;
- (5) Clarifying that the shield from liability for minor damages applies to damages that are less than \$100;
- (6) Exempting assistants under the direct supervision of land surveyors from prosecution under the criminal trespass laws when performing their duties; 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 H.B. No. 1241, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1241, 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

H SR 487

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>HB 1241</i>	Committee Referral: <i>CPC, JHA</i>	Date: <i>2-9-23</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> 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)	9	1	1	
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Jack Egan</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				