

Honolulu, Hawaii

**FEB 07**, 2024

RE: H.B. No. 2148  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2148 entitled:

"A BILL FOR AN ACT RELATING TO PROFESSIONAL LAND SURVEYORS,"

begs leave to report as follows:

The purpose of this measure is to establish a statute of repose for professional land surveyors by prohibiting the commencement of an action once a certain amount of time has elapsed after the completion of a contract or final payment for land surveying work.

Your Committee received testimony in support of this measure from numerous individuals. Your Committee received comments on this measure from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

Your Committee finds that existing law allows for a legal action for surveying errors years after the surveying work has been conducted. As a result, land surveyors and surveying firms must retain records of their surveys going as far back as their file retention policies permit, in the event that a claim may arise from an alleged error or omission. In many cases, these records are from surveys conducted decades in the past, often by surveyors who have either passed away or are no longer with the surveying company and cannot therefore serve as witnesses to the



quality of their own work. This measure establishes a statute of repose for surveying work to eliminate the threat of never-ending liability for surveyors.

Your Committee has amended this measure by:

- (1) Specifying that the period of time after which an action may not be commenced is to be twenty years;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) 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. 2148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2148, 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,

  
for MARK M. NAKASHIMA, Chair



