

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Date: February 15, 2024

Subject: **Support for HB 2148 HD 1 Relating to Professional Land Surveyors**

Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Meyer Cummins, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

HB 2148 HD 1 provides relief to surveyors by:

1. reducing the length of time and related expense in which surveyors must possess and maintain records of old surveys and contracts;
2. mitigating risk from "stale claims" that could easily be based upon faded memories, lost evidence, or witnesses who have since left the state or passed away; and
3. reducing the likelihood that surveyors will be held responsible for alleged harms to real property arising from reasons outside of their control.

Nineteen states already provide land surveyors with a bar on claims after a period of time where no injury arises from the performance of a survey. The statutes of repose in those states range from 4 to 10 years.

While I support HB 2148 HD 1's current form, I would like to ask for the following amendments:

1. **That HB 2148 HD 1 be amended to 10-year statute of repose to parallel the most conservative of states with a similar law protecting surveyors.** Parity with other state laws supports the reasonableness of the 10-year period.
2. **That HB 2148 HD 1 be amended to exempt DCCA Licensing Sanctions provided for under Part V of § HRS 436B.** HB 2148 should not impede the authority of the DCCA to protect the health, safety, and welfare of the public.

I recommend the following language to effect the amendments:

"§464- Professional land surveyors; contract; statute of repose. Except as provided for under Chapter 436B, no action shall be commenced against a professional land surveyor after more than ten years after the date of completion of a contract or final payment for professional land surveying work."

Mahalo nui for this opportunity to testify.

Meyer Cummins

**Testimony of the Board of Professional Engineers, Architects, Surveyors, and
Landscape Architects**

**Before the
House Committee on Judiciary & Hawaiian Affairs
Friday, February 16, 2024
2:00 p.m.
Conference Room 325 and Videoconference**

**On the following measure:
H.B. 2148, H.D.1, RELATING TO PROFESSIONAL LAND SURVEYORS.**

Chair Tarnas and Members of the Committee:

My name is Sheena Choy, and I am the Executive Officer of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (Board). The Board appreciates the intent of this bill and offers comments.

The purpose of this bill is to establish a twenty-year statute of repose for land surveyors, after which time a complaint cannot be made.

I would like to bring to the Committee's attention Hawaii Revised Statutes (HRS) section 436B-22, which allows the Board to discipline a licensee regardless of the status of the license. HRS section 436B-22, states:

The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the licensing authority to proceed with any investigation, action, or proceeding to revoke, suspend, condition, or limit the licensee's license or fine the licensee.

It appears that the proposed change would narrow the Board's ability to protect the health, safety, and welfare of the public.

Thank you for the opportunity to testify on this bill.

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is **Alika K. Garo**, and I am a licensed professional land surveyor and a registered land court surveyor in the State of Hawaii. I been in the land surveying industry for more than 15 years . **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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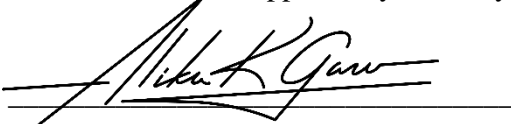
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I recommend the following language to effect the amendments:

"§464- Professional land surveyors; contract; statute of repose. Except as provided for under Chapter 436B, no action shall be commenced against a professional land surveyor after more than ten years after the date of completion of a contract or final payment for professional land surveying work."

Mahalo nui for this opportunity to testify.



Alika K. Garo, LPLS



WES THOMAS ASSOCIATES

February 15, 2024

Subject: Support for HB 2148 HD 1 Relating to Professional Land Surveyors

Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Chrystal Thomas Yamasaki, LPLS, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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Mahalo nui for this opportunity to testify.


Chrystal Thomas Yamasaki, LPLS

WES THOMAS ASSOCIATES - Land Surveyors

75-5749 Kalawa Street, Suite 201 Kailua-Kona, Hawaii 96740-1873 Tel: 808-329-2353
Email: surveys@wtahawaii.com Website: www.wtahawaii.com

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Nicolas K. Yamasaki, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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 2/15/2024

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Victor M. Rasgado, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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Mahalo Nui Loa for this opportunity to testify.

If you have follow up questions, I can be reached at: email victor.rasgado@stantec.com and by phone 808-208-2837.

Sincerely,

Victor M. Rasgado, LPLS

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Clayton Kaneshiro, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Christina Villa and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Erik Kaneshiro, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because, as a statute of repose, it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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Mahalo nui for this opportunity to testify.



Erik S. Kaneshiro, L.P.L.S.

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Aloha Honorable Representative David A. Tarnas, Honorable Representative Gregg Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of House Bill 2148 HD 1. My name is Joanne Williamson and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148 HD 1** because it protects Hawaii's land surveyors from unnecessary cost and worry arising from the uncertainty of litigation for surveys that were completed years—even decades—in the past.

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I am available for questions and mahalo nui for this opportunity to testify.

Joanne Williamson, LPLS (808) 436-6725 surv1hi@gmail.com