

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

**Before the  
House Committee on Consumer Protection & Commerce  
Wednesday, January 31, 2024  
2:00 p.m.  
Conference Room 329 and Videoconference**

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

Chair Nakashima 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 will discuss this bill at its February 8, 2024, board meeting, after which it will be able to provide this committee an official position.

The purpose of this bill is to authorize the Department of Commerce and Consumer Affairs to establish a 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 which 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.

Representative Mark M. Nakashima, Chair

Date: January 30, 2024

Representative Jackson D. Sayama, Vice Chair

House Committee on Consumer Protection & Commerce

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. 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** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a cause of action accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises even many years after the fact. **House Bill 2148** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [Meyercummins@hlesurvey.com](mailto:Meyercummins@hlesurvey.com) and I will make myself available for questions.

*Meyer Cummins*

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Brett Etheredge, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

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As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [brett.etheredge@stantec.com](mailto:brett.etheredge@stantec.com) and I will make myself available for questions.

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

January 31, 2024

**LATE**

Subject: Strong Support for HB 2148 Relating to Professional Land Surveyors

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Joanne Williamson, and I am a licensed land surveyor in the State of Hawaii. I am testifying as a member of the Board of Hawaii Land Surveyors Association and as the Hawaii Director of the National Society of Professional Surveyors in support of House Bill 2148. This bill will serve to protect 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.

Presently, Hawaii's 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 arises from an alleged error or omission, whether valid or not. 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 serve as witnesses to the quality of their own work. This is particularly true of multi-generational firms, companies owned by local families and working for local people.

While Hawaii's surveyors understand the importance remaining accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a "cause of action" accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises many years after the fact. House Bill 2148 provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at (808) 436-6725 and I will make myself available for questions.

Sincerely,

Joanne Williamson, LPLS 10555

(Surv1hi@gmail.com)

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Alika K. Garo, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [alikagaro@samhirota.com](mailto:alikagaro@samhirota.com) and I will make myself available for questions.

  
Alika K. Garo, LPLS



Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is John R. K. Akina, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [jakina@walterpthompson.com](mailto:jakina@walterpthompson.com) or (808) 536-2705 and I will make myself available for questions.

Very truly yours,  
Walter P. Thompson, Inc.

A handwritten signature in black ink that reads 'John R. K. Akina'. The signature is written in a cursive, flowing style.

John R. K. Akina, LPLS  
Vice President

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. 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** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

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As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [cvilla@pareninc.com](mailto:cvilla@pareninc.com) and I will make myself available for questions.

*Christina Villa*



**HB-2148**

Submitted on: 1/30/2024 10:18:52 AM

Testimony for CPC on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeffrey Sato	Individual	Support	Written Testimony Only

Comments:

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair

**HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE**

From: Jeffrey Sato

Date: Tuesday, January 30, 2024

Subject: In Favor of HB 2148, Relating to Statute of Repose for Land Surveyors

Honorable Representatives of the Committee on Consumer Protection and Commerce:

Thank you for allowing me to testify in favor of HB 2148. My name is Jeffrey Sato, I am a licensed land surveyor in the State of Hawaii, and a member of the Hawaii Land Surveyors Association. I am also a licensed engineer in the State of Hawaii.

I am submitting testimony in favor of HB 2148 establishing a statute of repose for land surveyors. I do not feel that liability for professional work done by land surveyors should be indefinite. At the most it should equal the period by which engineers are held responsible. Licensed engineers are required to make judgment calls related to their services and already have an established time period limiting their liability. Land Surveyors, on the other hand, primarily make interpretations of boundary locations and courts determine the legal boundary location.

I believe HB 2148 is a step in the right direction. Thank you for allowing me this opportunity to testify.

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Richard Solmerin, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at **(808) 936-6637** and I will make myself available for questions.

  
[signature here]

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Victor Rasgado, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at email: [victor.rasgado@stantec.com](mailto:victor.rasgado@stantec.com) phone: 808-208-2837 and I will make myself available for questions.

Victor M. Rasgado, LPLS



Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Nicolas Yamasaki, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-329-2353 and I will make myself available for questions.



Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Daniel L. Berg, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached by email at [info@dlbandassoc.com](mailto:info@dlbandassoc.com) or phone at 808-966-4206 and I will make myself available for questions.

Daniel Berg

PLS 11245(HI)

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Holland Shaw, PLS, and I am a land surveyor in ten states and am in the process of registration for Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 508 523 2112 and I will make myself available for questions.



January 30, 2024

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Arthur E.K. Sevigny, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a cause of action accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises even many years after the fact. **House Bill 2148** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors

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deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-306-0572, [aksevigny@gmail.com](mailto:aksevigny@gmail.com), [artie@hawaiilayout.com](mailto:artie@hawaiilayout.com) and I will make myself available for any questions.

Respectfully,



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Arthur E. K. Sevigny  
Licensed Professional Land Surveyor LS-11882  
Hawaii Layout Construction, Inc.



**HB-2148**

Submitted on: 1/30/2024 1:49:52 PM

Testimony for CPC on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alain Pimental	Individual	Support	Written Testimony Only

Comments:

I support HB 2148 for the ongoing protection of future surveyors and or companies to have some protection for future proprietors against litigation that may arise over a lengthy period time. Understanding that not only records and notes of the survey in question can be cumbersome to recover and or trace, but some evidence may simply be gone due to CHANGE, and may affect the defendant's ability to secure enough and or reliable evidence. With all due respect to the disciplines involved, discrepancies should be brought up as early as commonly possible and a 10 year period is a very generous starting point.

**LATE**

**HB-2148**

Submitted on: 1/31/2024 10:22:26 AM

Testimony for CPC on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Suzuki	Individual	Support	Written Testimony Only

Comments:

I support HB2148

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date:

**LATE**

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. 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** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

The statute of limitations only provides surveyors protection if an action is not commenced within six years after a cause of action accrues. This means that a survey conducted decades in the past must still be defended by a surveyor or firm if an alleged claim arises even many years after the fact. **House Bill 2148** provides for a statute of repose that makes clear that if no harm has arisen within a reasonable time, such time as allows property owners to discover an injury, it is fair for the surveyor to no longer concern her or himself with a completed survey.

As an example of a reasonable time, please consider HRS §657-8, which establishes a ten-year statute of repose for actions for damages based on construction to improve real property. This is a reasonable protection measure that Hawaii's surveyors deserve to share to facilitate economic growth, advance housing construction, and keep costs down for the people of Hawaii.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [ekaneshiro@atahawaii.com](mailto:ekaneshiro@atahawaii.com) and I will make myself available for questions.



Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: ~~January 20, 2024~~

**LATE**

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is David M. Thompson, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

While Hawaii's surveyors understand the importance of retaining such records to remain accountable to their clients and the public, it is untenable to expect surveyors to keep their records forever. Indeed, many records, including field books, maps, contracts, and notes of survey, were made on paper that degrades and decays. Even in a digital world, there are enormous costs associated with retaining these records for many years, and those costs will weigh on both the surveyor and the client.

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-536-2705 and I will make myself available for questions.



Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

**LATE**

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is Kenn Nishihira, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [knishihira@knsurveying.com](mailto:knishihira@knsurveying.com) and I will make myself available for questions.

*Kenn Nishihira*

Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Date: January 30, 2024

**LATE**

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

Aloha Honorable Representative Mark M. Nakashima, Honorable Representative Jackson D. Sayama, and members of the House Committee on Consumer Protection & Commerce.

Thank you for allowing me to testify in support of House Bill 2148. My name is James R. Thompson, and I am a land surveyor in the State of Hawaii. **I am writing in support of House Bill 2148** 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.

Presently, Hawaii's 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, whether valid or not. 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 serve as witnesses to the quality of their own work. **This is particularly true of generational firms, companies owned by local families and working for local people.**

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