

JAN 20 2012

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# 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 by adding two new definitions to be appropriately  
3 inserted and to read as follows:  
4           "Land surveying" means any professional service or work  
5 which involves the application of special knowledge of the  
6 related principles of mathematics, the physical and applied  
7 sciences, and the relevant requirements of law for adequate  
8 evidence of the act of measuring, locating, establishing, or  
9 reestablishing lines, angles, elevations, and natural and  
10 manmade features on the surface and immediate subsurface of the  
11 earth, and on the beds or surface of bodies of water, for the  
12 purpose of determining, establishing, describing, displaying, or  
13 interpreting the facts of size, shape, topography, elevation  
14 datum planes, legal or geodetic location or relocation, and  
15 orientation of improved or unimproved real property and  
16 appurtenances thereto, including acreage. Land surveying  
17 includes but is not limited to:

18           (1) Obtaining and evaluating boundary evidence;



- 1        (2) Using the principles of land surveying to determine  
2                    the position for any monument or reference point which  
3                    marks a property line, boundary, corner, right of way,  
4                    easement or alignment of those lines; or sets, resets,  
5                    or replaces any such monument or reference point;
- 6        (3) Directly or indirectly giving reference or an opinion  
7                    to the location of a property line, boundary, right-  
8                    of-way, easement, or corner;
- 9        (4) Record plat creation or modification for cadastral  
10                   surveys including consolidation, subdivision,  
11                   resubdivision, right-of-way, or easements, including  
12                   determination of areas, mathematical closures, and  
13                   elevations of land parcels;
- 14       (5) The creation or modification of property and easement  
15                   descriptions for use in legal instruments of  
16                   conveyance of real property and property rights;
- 17       (6) Rendering a statement regarding the accuracy of maps  
18                   or measured survey data;
- 19       (7) Creating or modifying electronic or computerized data  
20                   in the performance of the activities described in this  
21                   chapter; or



1       (8) Setting, resetting, or replacing control points on or  
2       in the vicinity of a construction or engineering  
3       project to enable any components of the project to be  
4       built in compliance with plans and specifications with  
5       respect to the project location, orientation,  
6       elevation, and relationship to property, easement, or  
7       right-of-way boundaries.

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

11       SECTION 2. Section 464-1, Hawaii Revised Statutes, is  
12      amended by amending the definition of "landscape architect" to  
13      read as follows:

14        " "Landscape architect" means a person who holds oneself out  
15      as able to perform, or who does perform, any professional  
16      services such as consultation, investigation, reconnaissance,  
17      research, design, preparation of drawings and specifications,  
18      and observation of construction where the dominant purpose of  
19      the services is:

20        (1) The preservation and enhancement of land uses and  
21        natural land features;



- 1           (2) The location and construction of aesthetically
- 2           pleasing and functional approaches for structures,
- 3           roadways, and walkways; and
- 4           (3) The design for equestrian trails, plantings, landscape
- 5           irrigation, landscape lighting, and landscape grading.

6           This practice shall include the location, arrangement, and  
7 design of tangible objects and features as are incidental and  
8 necessary to the purposes outlined herein. Nothing herein shall  
9 preclude a duly licensed landscape architect from planning the  
10 development of land areas and elements used thereon or from  
11 performing any of the services described in this section in  
12 connection with the settings, approaches, or environment for  
13 buildings, structures, or facilities; provided that nothing in  
14 this chapter shall empower a landscape architect licensed under  
15 this chapter from practicing or offering to practice  
16 architecture or engineering in any of its various recognized  
17 branches."

18           SECTION 3. Section 464-1, Hawaii Revised Statutes, is  
19 amended by deleting the definition of "surveyor" or "land  
20 surveyor".

21           ~~["Surveyor" or "land surveyor" means a person who holds~~  
22 ~~oneself out as able to make, or who does make cadastral surveys~~



1 ~~of areas for their correct determination and description, either~~  
2 ~~for conveyancing or for the establishment or reestablishment of~~  
3 ~~land boundaries or the plotting of lands and subdivisions~~  
4 ~~thereof." ]~~

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Ronald H. Bab*



# S.B. NO. 2167

**Report Title:**

Land Surveying; Professional Land Surveyors; Landscape Architects

**Description:**

Clarifies the definition of "landscape architect". Replaces the existing definition of "surveyor" or "land surveyor" with definitions for "land surveying" and "professional surveyor", "professional land surveyor", or "land surveyor".

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

