



GOV. MSG. NO. 1312

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

SB1468 SD2 HD2 CD1

RELATING TO RIGHT OF ENTRY FOR
PROFESSIONAL SURVEYORS.
ACT 209

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 3 2023

ACT 209

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 1468
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO RIGHT OF ENTRY FOR PROFESSIONAL SURVEYORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that professional land surveyors require reasonable access over and across certain real properties at reasonable times in the regular course of their work to conduct a survey of common property boundaries that are used to determine the legal interests of parties in real property. A professional land surveyor requires access to:

(1) Retrace record boundary lines;

(2) Recover or reestablish boundary monuments or survey controls; and

(3) Locate rights-of-way or improvements with positional discrepancies.

Without a right of entry, a professional land surveyor conducting a land survey is often subject to trespass laws, prohibiting the land surveyor from conducting a land survey required to ensure the public's interest in maintaining a sound and uniform real property system.

The purpose of this Act is to establish a right of entry for professional land surveyors and any assistants under the

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1 direct supervision of professional land surveyors to conduct
2 surveys that protects the real property interests of property
3 owners and the public interest in maintaining the integrity of a
4 sound uniform real property system.

5 SECTION 2. Chapter 464, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§464- Professional land surveyor right of entry to
9 private property; notification; identification. (a) A
10 professional land surveyor licensed pursuant to this chapter,
11 and any assistant under the direct supervision of the
12 professional land surveyor, may enter the private property of
13 the landowner of the real property to be surveyed and any
14 adjoining lands, but not any building, structure, residence, or
15 vehicle, at reasonable times to perform land surveying at the
16 request of the landowner of, or person with an interest in, the
17 real property to be surveyed after providing a written notice
18 not less than ten days before the proposed date of entry.

19 (b) The written notice shall include:

20 (1) The date and time the entry is scheduled to occur;

21 (2) A description of the work to be performed;



1 (3) The approximate duration of the entry;

2 (4) A statement that the landowner of the real property to
3 be surveyed and the landowners of adjoining lands may
4 refuse entry by making a timely written objection;

5 (5) A statement of the date, time, and method by which the
6 landowner of the real property to be surveyed and the
7 landowners of adjoining lands may object; and

8 (6) A statement of the date, time, and method by which the
9 landowner of, or person with an interest in, the real
10 property to be surveyed and the landowner or occupier
11 of adjoining lands may notify of a disruption or
12 interference with operations on the properties
13 involved.

14 (c) The written notice shall be sent to the last known
15 address of the landowner of, or person with an interest in, the
16 real property to be surveyed and the landowner or occupier of
17 adjoining lands to be accessed. Notice sent by certified mail
18 shall be deemed sufficient notice for purposes of this section.

19 (d) An objection shall be expressly communicated to the
20 professional land surveyor in writing no later than seventy-two
21 hours before the date the survey work is to be performed. If



1 the landowner of the real property to be surveyed or a landowner
2 of adjoining lands makes a timely objection, the professional
3 land surveyor, and any assistant under the direct supervision of
4 the professional land surveyor, shall not be authorized to enter
5 the private property of the objecting landowner pursuant to this
6 section. If the landowner of the real property to be surveyed
7 or a landowner of adjoining lands does not make a timely
8 objection, the professional land surveyor, and any assistant
9 under the direct supervision of the professional land surveyor,
10 shall be authorized to enter the private property of the
11 landowner pursuant to this section.

12 (e) When the landowner of, or person with an interest in,
13 the real property to be surveyed or the landowner or occupier of
14 adjoining lands gives notice to the professional land surveyor
15 that the surveying may disrupt or interfere with operations on
16 the properties involved, the professional land surveyor shall
17 meet with the landowner, person with interest, or occupier to
18 negotiate a mutually agreeable date and time to perform the land
19 surveying.

20 (f) The professional land surveyor or professional land
21 surveyor's assistant shall carry:



- 1 (1) A government-issued photo identification;
2 (2) A copy of the written notice submitted pursuant to
3 this section; and
4 (3) The land surveyor's:
5 (A) Certificate of licensure with the license number
6 issued pursuant to this chapter, or a facsimile
7 thereof; or
8 (B) Seal or stamp, or facsimile thereof, authorized
9 pursuant to section 464-11."

10 SECTION 3. Section 708-813, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) Subsection (1) shall not apply to [a]:

13 (a) A process server who enters or remains in or upon the
14 land or premises of another, unless the land or
15 premises are secured with a fence and locked gate, for
16 the purpose of making a good faith attempt to perform
17 their legal duties and to serve process upon any of
18 the following:

19 ~~[-a-]~~ (i) An owner or occupant of the land or
20 premises;



~~[(b)]~~ (ii) An agent of the owner or occupant of the
land or premises; or

~~[(e)]~~ (iii) A lessee of the land or premises ~~[-]~~; or

(b) A professional land surveyor, or assistant under the direct supervision of the professional land surveyor, who enters or remains in or upon the land or premises of another for the purpose of performing land surveying at the request of the landowner of, or person with an interest in, the real property to be surveyed."

SECTION 4. Section 708-814, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Subsection (1) shall not apply to [a]:

(a) A process server who enters or remains in or upon the land or premises of another, unless the land or premises are secured with a fence and locked gate, for the purpose of making a good faith attempt to perform the process server's legal duties and to serve process upon any of the following:

[~~(a)~~] (i) An owner or occupant of the land or premises;



~~[(b)]~~ (ii) An agent of the owner or occupant of the land or premises; or

~~[(c)]~~ (iii) A lessee of the land or premises.

For the purposes of this ~~[subsection,]~~ paragraph,

"process server" means any person authorized under the Hawaii rules of civil procedure, district court rules of civil procedure, Hawaii family court rules, or section 353C-10 to serve process~~[-]~~; or

(b) A professional land surveyor, or assistant under the direct supervision of the professional land surveyor, who enters or remains in or upon the land or premises of another for the purpose of performing land surveying at the request of the landowner of, or person with an interest in, the real property to be surveyed."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

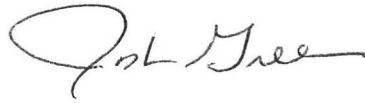
SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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



S.B. NO. 1468
S.D. 2
H.D. 2
C.D. 1

APPROVED this **3rd** day of **July**, 2023

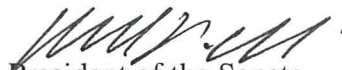
A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with the first name "Josh" and last name "Green" clearly distinguishable.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 2, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 1468, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives