

STAND. COM. REP. NO.

2029

Honolulu, Hawaii

, 2025

APR 04

RE: S.B. No. 321  
S.D. 1  
H.D. 2

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 321, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to require that fee simple absolute title of a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail be deemed transferred to adjacent property owners or community associations if certain conditions are met.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Hawaii Land Title Association; Mortgage Bankers Association of Hawaii; and Hawaii Financial Services Association.

Your Committee finds that in the absence of clear ownership, privately owned streets, roads, and other infrastructure in subdivisions may lead to legal disputes or ambiguity over responsibility when the subdivider has dissolved or ceased to exist. Such circumstances, coupled with the lack of formal dedication to the State or county, may result in prolonged uncertainty regarding the ownership and maintenance obligations of these facilities.

2025-3014 SB321 HD2 HSCR HMSO



Your Committee further finds that concerns were raised regarding this measure and the lack of procedures to determine real property ownership over private streets, which could lead to unintended consequences. One way to ensure certainty over ownership of private streets would be to require a court to provide an order to transfer title of these private streets. A court process would provide appropriate notice, define the parties and property in question, determine any maintenance obligations, settle any disputes over ownership, and provide a transfer of title that can then be recorded with the Bureau of Conveyances or Land Court.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its substantive contents and inserting language that establishes a process for transferring fee simple absolute title of orphan streets to adjacent property owners under certain conditions, such as when the subdivider has dissolved, has ceased to exist, or is deceased, and includes legal procedures for filing the action for transfer; and
- (2) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 321, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 321, S.D. 1, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



