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# A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

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

1           SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§663-    Trespass; limited liability of land owner. (a)

5 Notwithstanding any other law to the contrary, an owner of land  
6 shall not be liable for any injury, death, loss, or damage  
7 suffered by a trespasser unless the injury, death, loss, or  
8 damage:

9           (1) Was intentionally inflicted upon the trespasser by the  
10           owner of the land; or

11           (2) Was caused by the gross negligence of the owner of the  
12           land,

13 and the intentional act or gross negligence was committed by the  
14 person sought to be held liable.

15           (b) As used in this section, unless the context otherwise  
16 requires:



1       "Invited guest" means any person specifically invited by  
2 the owner or the authorized representative of the owner to enter  
3 or remain on the land for social, business, or other purposes.

4       "Land" means land, roads, water, watercourses, private ways  
5 and buildings, structures, and machinery or equipment when  
6 attached to realty.

7       "Owner" means the possessor of a fee interest, a tenant,  
8 lessee, occupant, or person, group, club, partnership, or  
9 corporation in control of the land.

10       "Trespasser" means a person who enters or remains on the  
11 land without the permission of the owner or the authorized  
12 representative of the owner and who is not an invited guest."

13       SECTION 2. New statutory material is underscored.

14       SECTION 3. This Act shall take effect on January 1, 2012.



**Report Title:**

Landowner liability; Trespass

**Description:**

Provides that landowners are not liable to trespassers, unless the landowner intentionally or through gross negligence caused the injury, death, loss, or damage to the trespasser. Effective January 1, 2012. (HB226 HD1)

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

