

JAN 25 2012

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# A BILL FOR AN ACT

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RELATING TO LANDOWNERS' LIABILITY.

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

1       SECTION 1. The purpose of this Act is to amend section  
2       520-2, Hawaii Revised Statutes, to include lands owned by the  
3       government.

4       SECTION 2. Section 520-2, Hawaii Revised Statutes, is  
5       amended by amending the definition of "land" to read as follows:

6       "Land" means land, roads, water, watercourses, private  
7       ways and buildings, structures, and machinery or equipment when  
8       attached to realty[, ~~other than lands owned by the government~~]."

9       SECTION 3. Statutory material to be repealed is bracketed  
10      and stricken.

11      SECTION 4. This Act shall take effect upon its approval.

12  
13      INTRODUCED BY: 

14                                      BY REQUEST

# S.B. NO. 2726

**Report Title:**

Landowners' Liability

**Description:**

Amends section 520-2, Hawaii Revised Statutes, to delete the exclusion of lands owned by the government in the definition of "land."

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY.

PURPOSE: The purpose of this bill is to amend section 520-2, Hawaii Revised Statutes to include government lands by deleting "other than lands owned by the government" in the definition of "land."

MEANS: Amend section 520-2, Hawaii Revised Statutes.

JUSTIFICATION: Chapter 520, Landowners' Liability, limits the liability of a landowner who directly or indirectly invites or permits any person, without charge, to use the property for recreational purposes. This limitation of liability currently does not apply to the State or county governments since the definition of "land" that falls within the chapter excludes "lands owned by the government." There is nothing in the statute that would justify treating the State or counties differently from other landowners.

Impact on the public: The public in general will benefit from the savings of public funds since there will be a limitation on the lawsuits and claims that can be brought against the State or counties for land being used by the public for recreational use.

Impact on the department and other agencies: This bill will protect the general fund from judgments against the State by limiting the amount of lawsuits that can be brought against the State and counties.

GENERAL FUND: None.

OTHER FUNDS:               None.

PPBS PROGRAM  
DESIGNATION:               None.

OTHER AFFECTED  
AGENCIES:               Department of Land and Natural Resources and  
                             the counties.

EFFECTIVE DATE:           Upon approval.