

JAN 16 2014

# A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

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

SECTION 1. Chapter 101, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§101- Award of attorney's fees, and reasonable expenses to defendant; conditions to award; good-faith estimate.

(a) Whenever any proceeding instituted under Chapter 101, Part I, proceeds to trial or hearing on the merits to determine the amount of compensation or damages to be awarded to any person in occupation of or having a claim or interest in any property, the court shall award the defendant reasonable attorney's fees, and other reasonable expenses including but not limited to the costs of the action, appraisal costs and expert witness fees if judgment awarded the defendant exceeds by 10% the sum of money estimated by plaintiff to be just compensation or damages for the taking of the land and filed in compliance with HRS §101-28.

(b) The parties may consent on the amount deemed to be reasonable attorney fees, and other reasonable expenses, and the



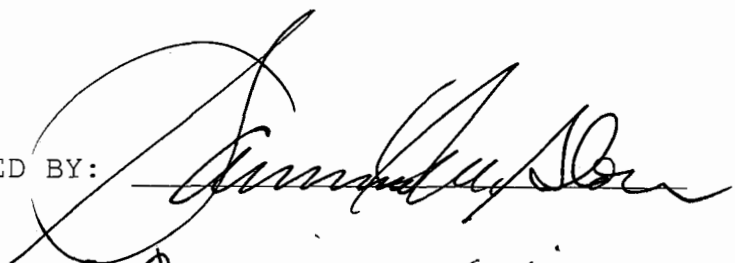

court may approve the same upon submission of any valid written settlement agreement to the court."

(c) Notwithstanding the preceding paragraphs or elsewhere within this chapter, the court may make any order of reasonable attorney's fees, and other reasonable expenses in favor of defendant if after a trial or hearing on the merits the defendant is awarded just compensation or damages less than any offer of settlement by plaintiff if the court finds that it is in the interests of justice to do so, or plaintiff's estimate of just compensation or damages filed in compliance with HRS §101-28 is found not to be a good-faith estimate.

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

  
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# S.B. NO. 2156

**Report Title:**

Eminent domain; Fees and costs; good-faith estimates

**Description:**

Provides that the court shall award reasonable attorney's fees, and other reasonable expenses if the judgment on compensation or damages exceeds the plaintiff's original written statement by ten per cent or more; but if not mandatory then discretionary for lack of good-faith or in the interests of justice.

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

