
A BILL FOR AN ACT

RELATING TO STATUTE OF LIMITATIONS.

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

1 SECTION 1. The legislature finds that the explicit
2 creation of a statute of limitations applicable to regulatory
3 takings actions against the State is warranted in light of the
4 Hawaii Supreme Court's decision in DW Aina Le'a Development, LLC
5 v. State of Hawai'i Land Use Commission, et al., 2020 WL 7394265
6 (2020). Setting this limitation by statute will bring certainty
7 and predictability to the time within which a plaintiff shall
8 file this type of claim against the State or be barred from
9 pursuing the claim.

10 Accordingly, the purpose of this Act is to establish a two-
11 year statute of limitations for a regulatory takings claim
12 brought against the State, including a claim brought under
13 article I, section 20, of the Hawaii State Constitution, which
14 provides that "[p]rivate property shall not be taken or damaged
15 for public use without just compensation."



H.B. NO. 357

1 SECTION 2. Chapter 657, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§657- Two years; regulatory taking. All actions for a
5 regulatory taking against the State, including a claim brought
6 under article I, section 20, of the state constitution, shall be
7 commenced within two years after the cause of action accrued,
8 and not after."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: *Gene Kim*

JAN 22 2021



H.B. NO. 357

Report Title:

Statute of Limitations; Regulatory Takings; Constitutional Claim

Description:

Establishes a two-year statute of limitations for all actions for a regulatory taking against the State, including a claim brought under article I, section 20, of the state constitution.

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