

Honolulu, Hawaii

FEB 17 2021

RE: S.B. No. 568

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 568 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that persons who enter private property for recreational purposes have no cause of action, unless exempted under law;
- (2) Require a court to award attorneys' fees and costs to landowners if plaintiffs bring unreasonable claims; and
- (3) State that, as a matter of law, persons participating in outdoor recreational activities accept the inherent dangers in the activities.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Land and Natural Resources' Division of Forestry and Wildlife, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that the recreational use law, codified as chapter 520, Hawaii Revised Statutes, is an important means to allow public access to land and water areas for recreational



purposes while limiting landowner's liability toward persons entering for such purposes. Your Committee further finds that, in spite of the legal protection currently afforded under chapter 520, Hawaii Revised Statutes, landowners remain reluctant to open their lands for recreational use because of the threat of lawsuits and the costs associated with those suits in the event a person gets injured on the landowner's property. Therefore, chapter 520, Hawaii Revised Statutes, needs to be clarified to better protect a landowner's liability for injuries persons receive while on the landowner's land for recreational purposes to ensure more land and water areas can be available to the public for recreational purposes. This measure will encourage more landowners to make land and water areas available to the public for recreational purposes.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 568 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,



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CLARENCE K. NISHIHARA, Chair



