

STAND. COM. REP. NO.

130

Honolulu, Hawaii

FEB 11 2021

RE: S.B. No. 649
S.D. 1

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

Sir:

Your Committee on Transportation, to which was referred S.B. No. 649 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to provide immunity from liability for personal injuries or property damage arising out of the repair or maintenance of a street whose ownership is disputed between the State and county.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that there are certain roads in the State where ownership is disputed between the county and the State. Frequently these disputed roads have fallen into disrepair as neither the State nor the county will repair what is not legally theirs. This measure will allow for the repair and maintenance of these disputed roads without conferring ownership. It will also relieve the repairing entity from any liability arising from the repair and maintenance of the disputed roads.

Your Committee has amended this measure by:



- (1) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 649, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 649, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



CHRIS LEE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:* <i>SB 649</i>	Committee Referral: <i>TRS, JDC</i>	Date: <i>2/4/2021</i>
--	--	--------------------------

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ENGLISH, J. Kalani	✓			
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt			✓	
TOTAL	<i>4</i>		<i>1</i>	

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Lorraine R. Inouye

Distribution:
 Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes