

STAND. COM. REP. NO.

177

Honolulu, Hawaii

**FEB 08**, 2023

RE: H.B. No. 1186  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1186 entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to provide immunity to the State and counties for injuries sustained due to the repair or maintenance of streets in which the ownership is in dispute between the State and a 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 finds that roads for which ownership or jurisdiction is in dispute between the State and a county often suffer from a lack of repair and maintenance. Therefore, government agencies are unwilling to maintain these roads because of potential liability issues associated with the repair and maintenance of the roads. This measure seeks to address this issue by providing immunity to the State and counties.

Your Committee has amended this measure by changing the effective date to June 30, 3000, to encourage further discussion.

2023-1157 HB1186 HD1 HSCR HMSO



Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider the legal issues surrounding the immunity granted in this measure and how to strike a balance between the need to repair these roads and providing protection to the public from any negligence.

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 H.B. No. 1186, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1186, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



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CHRIS TODD, Chair



