

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO OWNERS OF LAND.

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

1           SECTION 1. The legislature finds that sections 520-3 and  
2 520-4(a), Hawaii Revised Statutes, erroneously refer to section  
3 520-6, Hawaii Revised Statutes, and should instead refer to  
4 section 520-5, Hawaii Revised Statutes. The legislature also  
5 finds that sections 520A-3 and 520A-4(a), Hawaii Revised  
6 Statutes, erroneously refer to section 520A-6, Hawaii Revised  
7 Statutes, and should instead refer to section 520A-5, Hawaii  
8 Revised Statutes.

9           The legislature further finds that the legislative  
10 reference bureau's revision bill is not the correct vehicle to  
11 make these changes, since there are questions of legislative  
12 intent.

13           Therefore, the purpose of this Act is to correct erroneous  
14 references in chapters 520 and 520A, Hawaii Revised Statutes.

15           SECTION 2. Section 520-3, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           "§520-3 Duty of care of owner limited. Except as  
2 specifically recognized by or provided in section [~~520-6,~~]  
3 520-5, an owner of land owes no duty of care to keep the  
4 premises safe for entry or use by others for recreational  
5 purposes, or to give any warning of a dangerous condition, use,  
6 structure, or activity on such premises to persons entering for  
7 such purposes, or to persons entering for a purpose in response  
8 to a recreational user who requires assistance, either direct or  
9 indirect, including but not limited to rescue, medical care, or  
10 other form of assistance."

11           SECTION 3. Section 520-4, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13           "(a) Except as specifically recognized by or provided in  
14 section [~~520-6,~~] 520-5, an owner of land who either directly or  
15 indirectly invites or permits without charge any person to use  
16 the property for recreational purposes does not:

17           (1) Extend any assurance that the premises are safe for  
18           any purpose;

19           (2) Confer upon the person the legal status of an invitee  
20           or licensee to whom a duty of care is owed;



1           (3) Assume responsibility for, or incur liability for, any  
2           injury to person or property caused by an act of  
3           omission or commission of such persons; and

4           (4) Assume responsibility for, or incur liability for, any  
5           injury to person or persons who enter the premises in  
6           response to an injured recreational user."

7           SECTION 4. Section 520A-3, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "**§520A-3 Duty of care of owner limited.** Except as  
10          specifically recognized by or provided in section [~~520A-6~~],  
11          520A-5, an owner of land owes no duty of care to keep the  
12          premises safe for entry or use by others for control or  
13          eradication of invasive species, or to give any warning of a  
14          dangerous condition, use, structure, or activity on such  
15          premises to persons entering for such purposes, or to persons  
16          entering in response to such persons who require assistance,  
17          either directly or indirectly, including but not limited to  
18          rescue, medical care, or other form of assistance."

19          SECTION 5. Section 520A-4, Hawaii Revised Statutes, is  
20          amended by amending subsection (a) to read as follows:



1           "(a) Except as specifically recognized by or provided in  
2 section [~~520A-6,~~] 520A-5, an owner of land who either directly  
3 or indirectly invites or permits without charge any person to  
4 use the property for control or eradication of invasive species  
5 does not:

6           (1) Extend any assurance that the premises are safe for  
7           any purpose;

8           (2) Confer upon the person the legal status of an invitee  
9           or licensee to whom a duty of care is owed;

10          (3) Assume responsibility for, or incur liability for, any  
11          injury to any person or property caused by an act of  
12          omission or commission of such persons; and

13          (4) Assume responsibility for, or incur liability for, any  
14          injury to any person or persons who enter the premises  
15          in response to an injured person who entered the  
16          premises to control or eradicate invasive species."

17          SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19          SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2387

**Report Title:**

Real Property; Land Owner; Error

**Description:**

Corrects erroneous references in chapters 520 and 520A, Hawaii Revised Statutes.

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

