
A BILL FOR AN ACT

RELATING TO LIABILITY.

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

1 SECTION 1. The legislature finds that roads for which
2 ownership or jurisdiction is in dispute between the State and a
3 county, commonly referred to as "roads in limbo", often suffer
4 from a lack of repair and maintenance. The legislature further
5 finds that government agencies are unwilling to maintain these
6 roads because of potential liability issues associated with
7 repair and maintenance.

8 The legislature further finds that on the island of Hawaii,
9 there are 408.9 miles of roads in limbo located island wide.
10 There are also 122.6 miles of roads in limbo that are recognized
11 as government or homestead roads and 286.3 miles of paper roads,
12 or rights of way that are shown on tax maps but have not yet
13 been built. This situation highlights the urgent need for clear
14 action to address dilapidated roads while ensuring the State or
15 counties are not held liable for repairing or maintaining a road
16 that may not be under their jurisdiction.



1 Accordingly, the purpose of this Act is to provide immunity
2 to the State and counties for injuries sustained due to the
3 repair or maintenance of streets undertaken by the State or a
4 county, in cases in which the ownership or jurisdiction of the
5 streets is in dispute between the State and a county.

6 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
7 amended by adding a new section to part I to be appropriately
8 designated and to read as follows:

9 "§663- Liability of the State or a county for repair or
10 maintenance of certain streets; immunity. (a) The State or a
11 county that repairs or maintains a street, as defined in section
12 291C-1, of which the ownership or jurisdiction is in dispute
13 between the State and county, shall be immune from liability for
14 personal injuries or property damage, or both, arising out of
15 the repair or maintenance of that street as undertaken by the
16 State or county, as applicable.

17 (b) For purposes of this section, repair or maintenance of
18 a street shall not be deemed to confer ownership or jurisdiction
19 over that street if the ownership or jurisdiction over the
20 street is in dispute between the State and the county."

21 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Roads in Limbo; Liability for Repair or Maintenance; Immunity

Description:

Specifies that the State or a county that repairs or maintains a street of which the ownership or jurisdiction is in dispute between the State and county, shall be immune from liability for personal injuries or property damage arising out of the repair or maintenance of that street. Deems that maintenance of a street shall not confer ownership or jurisdiction over such street if the ownership or jurisdiction over the street is in dispute between the State and the county. Effective 7/1/3000. (HD1)

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