

ACT 26

S. B. NO. 660

A Bill for an Act Relating to Adverse Possession.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to change the length of time a person has to be in adverse possession of real property from ten years to twenty years in order to bring an action for the purpose of establishing title to real property.

SECTION 2. Subsection 12(a), Act 90, Session Laws 1972, is amended as follows:

“**Sec. 12.** Chapter 669 of the Hawaii Revised Statutes is amended as follows:

(a) Section 669-1 is amended to read as follows:

‘**Sec. 669-1 Object of action.** (a) Action may be brought by any person against another person who claims, or who may claim adversely to the plaintiff, an estate or interest in real property, for the purpose of determining the adverse claim.

(b) Action for the purpose of establishing title to real property may be brought by any person who has been in adverse possession of the real property for not less than twenty years.

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(c) Action under subsection (a) or (b) shall be brought in the circuit court of the circuit in which the property is situated.”

SECTION 3. Section 665-3, Hawaii Revised Statutes, is hereby amended to read as follows:

“**Sec. 665-3 Defenses.** In such actions no person shall be allowed to defend against the State on the ground of being in possession of the property, unless he proves that he is in possession under color of title, or has been in adverse possession thereof for a period not less than twenty years and that the taxes upon the property have been paid by him during the last twelve years of the period.”

SECTION 4. Section 657-31, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 657-31 Ten years.** No person shall commence an action to recover possession of any lands, or make any entry thereon, unless within twenty years after the right to bring the action first accrued.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 6. This Act shall take effect upon its approval and shall govern any case or controversy which shall arise after the effective date of this Act; provided, however, that this Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

(Approved May 4, 1973.)

*Edited accordingly.