

A Bill for an Act Relating to Quieting Title.

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

SECTION 1. The purpose of this Act is to conform the Hawaii Revised Statutes to section 12 of Article XVI of the Hawaii Constitution, relating to quieting title of real property.

SECTION 2. The Hawaii Revised Statutes are amended by the addition of section 657-31.5, to read as follows:

**“Sec. 657-31.5 Adverse possession.** In an action under this part where the person defending the action claims by adverse possession in excess of the period of limitation, said claim can only be made:

- (1) If the real property which is the subject of the action is five acres or less; and
- (2) Where the person claiming by adverse possession has not asserted any similar claim, in good faith, within the past twenty years, however, this shall not include similar claims made before November 7, 1978. However, any persons defending an action under this part may claim adverse possession if that person's time period of adverse possession of the land exceeded twenty years prior to November 7, 1978, or exceeded other earlier applicable time periods of adverse possession.”

SECTION 3. Section 669-1, Hawaii Revised Statutes, 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 a parcel of real property of five acres or less may be brought by any person who has been in adverse possession of the real property for not less than twenty years. Action for the purpose of establishing title to a parcel of real property of greater than five acres may be brought by any person who had been in adverse possession of the real property for not less than twenty years prior to November 7, 1978, or for not less than earlier applicable time periods of adverse possession.

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

(d) Action brought to claim property of five acres or less on the basis of adverse possession may be asserted in good faith by any person not more than once in twenty years, after November 7, 1978.”

SECTION 4. New statutory material is underscored.\*

SECTION 5. This Act shall take effect upon its approval; provided that any rights matured prior to November 7, 1978 shall not be affected by this Act.

(Approved June 4, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.