

## ACT 272

S.B. NO. 647

A Bill for an Act Relating to Tort Liability.

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

SECTION 1. Section 520-2, Hawaii Revised Statutes, is amended to read as follows:

“**[§520-2] Definitions.** As used in this chapter:

- (1) “Land” means land, roads, water, water courses, private ways and buildings, structures, and machinery or equipment when attached to realty, other than lands owned by the government.
- (2) “Owner” means the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises.
- (3) “Recreational purpose” includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.
- (4) “Charge” means the admission price or fee asked in return for invitation or permission to enter or go upon the land.
- (5) “House guest” means any person specifically invited by the owner or a member of the owner’s household to visit at the owner’s home whether for dinner, or to a party, for conversation or any other similar purposes including for recreation, and include playmates of the owner’s minor children.]

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“Recreational user” means any person who is on or about the premises that the owner of land either directly or indirectly invites or permits, without charge, entry onto the property for recreational purposes.”

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

“**[§520-3] Duty of care of owner limited.** Except as specifically recognized by or provided in section 520-6, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes[.], or to persons entering for a purpose in

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response to a recreational user who requires assistance, either direct or indirect, including but not limited to rescue, medical care, or other form of assistance.”

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

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

- (1)<sup>1</sup> Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) Assume responsibility for, or incur liability for, any injury to person or property caused by an act of omission or commission of such persons;  
and
- (4) Assume responsibility for, or incur liability for, any injury to person or persons who enter the premises in response to an injured recreational user.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 21, 1997.)

### Note

1. Except for a few technical amendments, paragraphs (1) to (3) should not be underscored.