

ACT 313

S.B. NO. 1766

A Bill for an Act Relating to Public Safety and Internal Security.

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

SECTION 1. The legislature finds that in the interest of protecting life, health, and property, and preserving the order and security of the public, there is a need to direct vehicles and pedestrians onto and through private real property during an emergency situation or traffic accident on a public road.

The purpose of this Act is to provide immunity from liability for private owners and the State and counties when rerouting of vehicular and pedestrian traffic onto private property is necessary as a result of traffic obstructions from natural disasters, hazardous material spills, and traffic accidents.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
EMERGENCY USE OF PRIVATE REAL PROPERTY**

§ -1 **Definitions.** As used in this chapter:

“Chief of police” means the chief of police of the respective counties and their authorized representatives.

“County” means any county or political subdivision of the State.

“Emergency” means the imminent or actual occurrence of an event, which has the likelihood of causing extensive injury, death, property damage, or impedes the safe and necessary movement of persons or vehicles over public highways, including but not limited to the spillage of hazardous material on a public highway or public place.

“Emergency area” means the area in which an emergency occurs or is likely to occur.

“Owner” means any individual, partnership, firm, society, unincorporated association, joint venture group, hui, joint stock company, corporation, trustee, personal representative, trust estate, decedent’s estate, trust, or other legal entity whether doing business for itself or in a fiduciary capacity, that owns or controls the real property.

“Public highway” means all state and county roads, alleys, streets, ways, lanes, bikeways, and bridges.

“Traffic accident” means an accident involving motorists, pedestrians, or bicyclists, or a combination, on public highway which impedes the safe and necessary movement of persons or vehicles.

§ -2 Authority of chief of police and their authorized representatives.

In times of an emergency or traffic accident, the chief of police may divert vehicles, pedestrians, bicyclists, or a combination thereof, onto existing private roads or pathways on private real property for the purpose of accommodating the movement of people and vehicles away from an emergency or traffic accident area.

§ -3 Owner’s immunities. In the event the chief of police diverts vehicles, pedestrians, bicyclists, or a combination thereof, onto an owner’s real property during an emergency or traffic accident, the owner, together with the owner’s successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person or damage to any personal property, in connection with the use of the real property for the purposes as provided in section -2.

§ -4 Government’s immunities. The State and counties and their respective officers and employees shall not be liable for the death of, or injury to, persons or for damage to property, as a result of the use of an owner’s real property for the diversion of vehicles, pedestrian, bicyclists, or a combination thereof, during an emergency or traffic accident, as provided in section -2.”

SECTION 3. This Act shall take effect upon its approval.

(Approved June 21, 1997.)