

ACT 200

H.B. NO. 860

A Bill for an Act Relating to Liability.

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

SECTION 1. The legislature finds that roads for which ownership or jurisdiction is in dispute between the State and a county, commonly referred to as “roads in limbo”, often suffer from a lack of repair and maintenance. The legislature further finds that government agencies are often unwilling to maintain these roads due to liability concerns associated with its repair or maintenance.

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

Accordingly, the purpose of this Act is to:

- (1) Authorize the State and counties to engage in repair or maintenance of streets in cases in which the ownership or jurisdiction of the streets is in dispute between the State and a county with a population of more than two hundred thousand but less than five hundred thousand;
- (2) Specify that the State or county that repaired or maintained the street may only be held liable for acts or omissions arising from the repair or maintenance performed by the State or county on such street at any time; and
- (3) Deem that repair or 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.

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

“§663- Liability of the State or county repair or maintenance of certain streets. (a) The State or county may repair or maintain any street of which the ownership or jurisdiction is in dispute between the State and county.

The State or county that repaired or maintained the street, as applicable, may only be held liable for acts or omissions arising out of the repair or maintenance of that street that the State or county performed at any time.

For the purposes of this subsection, “street” has the same meaning as defined in section 291C-1.

(b) Agencies performing work pursuant to this section may post notice, signage, or other public communication clarifying that the repair does not establish permanent jurisdiction or ownership.

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

(d) This section shall apply only in a county with a population of more than two hundred thousand but less than five hundred thousand.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on upon its approval and shall be repealed on July 1, 2030.

(Approved June 6, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.