A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The Hawaii Revised Statutes is amended by
2	adding a new chapter to be appropriately designated and to read
3	as follows:
4	"CHAPTER
5	LANDOWNER'S LIABILITY FOR ACCESS TO PRIVATE ROADWAYS
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7	§ -A Definitions. As used in this chapter, unless the
8	context requires otherwise:
9	"Charge" means an admission price or fee asked in return
10	for invitation or permission to enter or go upon a private
11	roadway.
12	"Private roadway" means all roads, alleys, streets, ways,
13	lanes, bikeways, canehaul roads, and bridges situated on
14	privately owned lands.
15	"Owner" means the possessor of a fee interest, a tenant,
16	lessee, occupant, or person in control of the private roadway.
17	§ -B Duty of care of owner limited. Except as
18	specifically recognized by or provided in section -D, an
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- 1 owner of a private roadway owes no duty of care to keep the
- 2 premises safe for entry or use by others to gain egress or
- 3 ingress from one public highway to another public highway, or to
- 4 give any warning of a dangerous condition, use, structure, or
- 5 activity on the private roadway to persons entering for such
- 6 purposes, or to persons entering in response to such persons who
- 7 require assistance, either directly or indirectly, including but
- 8 not limited to rescue, medical care, or other form of
- 9 assistance.
- 10 S -C Liability of owner limited. Except as specifically
- 11 recognized by or provided in section -D, an owner of a
- 12 private roadway who either directly or indirectly invites or
- 13 permits without charge any person to use the private roadway for
- 14 egress or ingress from one public highway to another public
- 15 highway does not:
- 16 (1) Extend any assurance that the private roadway is safe
- for any purpose;
- 18 (2) Confer upon the person the legal status of an invitee
- or licensee to whom a duty of care is owed;
- 20 (3) Assume responsibility for, or incur liability for, any
- injury to any person or damage to any property caused



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2		and
3	(4)	Assume responsibility for, or incur liability for, any
4		injury to any person or persons who enter the private
5		roadway in response to an injured person who entered
6		the private roadway.
7	§ ·	-D Exceptions to limitations. Nothing in this chapter
8	limits in	any way any liability that otherwise exists:
9	(1)	For wilful or malicious failure to guard or warn
10		against a dangerous condition, use, or structure that
11		the owner knowingly creates or perpetuates and for
12		wilful or malicious failure to guard or warn against a
13		dangerous activity that the owner knowingly pursues or
14		perpetuates; or
15	(2)	For injury or damages suffered in any case where the
16		owner of private roadway charges the person or persons
17		who enter and utilizes the private roadway, except
18		that in the case of a private roadway leased to the

State or a political subdivision thereof, any

consideration received by the owner for such lease

shall not be deemed a charge within the meaning of

by an act of omission or commission of such persons;

this section.

1	§ -E Persons using private roadway. Nothing in this
2	chapter shall be construed to:
3	(1) Create a duty of care or ground for liability for
4	injury to persons or damage to property; or
5	(2) Relieve any person using the private roadway of
6	another for egress or ingress from one public highway
7	to another public highway from any obligation that the
8	person may have in the absence of this chapter to
9	exercise care in the person's use of the private
10	roadway and in the person's activities thereon, or
11	from the legal consequences of failure to employ such
12	care."
13	SECTION 2. This Act does not affect rights and duties that
14	matured, penalties that were incurred, and proceedings that were
15	begun, before its effective date.
16	SECTION 3. In codifying the new sections added by section
17	1 of this Act, the revisor of statutes shall substitute
18	appropriate section numbers for the letters used in designating
19	the new sections in this Act.
20	SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY: Kith

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Report Title:

Landowner's Liability; Private Roadways

Description:

Limits landowner's liability towards persons using private roadways for egress and ingress from one public highway to another public highway.