
A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY FOR NATURAL CONDITIONS.

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

1 SECTION 1. The legislature finds that it is in the best
2 interests of the public to provide certainty in the law with
3 respect to the legal duties and obligations of landowners
4 arising from the inherent risks of land failures caused by
5 natural conditions to persons and property outside the
6 boundaries of such land when these risks have not been created
7 or increased by artificial improvements or alterations to the
8 land.

9 The purpose of this Act is to codify the common law that
10 currently exists in Hawaii with respect to the legal duties and
11 obligations pertaining to damages and injuries caused by natural
12 conditions to property and persons outside the land.

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

16 **"PART . UNIMPROVED LAND LIABILITY**

17 **§663- Definitions.** As used in this part:



1 "Naturally occurring land failure" means any movement of
2 land, including a landslide, debris flow, mudslide, creep,
3 subsidence, rock fall, and any other gradual or rapid movement
4 of land, that is not caused by alterations to, or improvements
5 constructed upon, the land.

6 "Unimproved land" means any land upon which there is no
7 improvement, construction of any structure, building, facility,
8 or alteration of the land by grading, dredging, or mining that
9 would cause a permanent change in the land area on which it
10 occurs and that would change the basic natural condition that
11 exists on the land.

12 **§663- Land failure on unimproved land caused by natural**
13 **condition; liability.** A landowner shall not be liable for any
14 damage, injury, or harm to persons or property outside the
15 boundaries of such land caused by any naturally occurring land
16 failure originating on unimproved land.

17 **§663- Natural condition.** For purposes of this part, the
18 natural condition of land exists notwithstanding minor
19 improvements, such as the installation or maintenance of utility
20 poles, fences, and signage; or minor alterations undertaken for
21 the preservation or prudent management of the unimproved land,
22 such as the installation or maintenance of trails or pathways or



1 maintenance activities, such as forest plantings and weed,
2 brush, rock, boulder, or tree removal."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 4. If any provision of this Act, or the
7 application thereof to any person or circumstance is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 5. This Act shall take effect on January 1, 2112.



Report Title:

Unimproved Land; Liability

Description:

Codifies common law regarding non-liability of landowners regarding natural conditions on their land that cause damage outside the land. (HB2350 HD2)

