
A BILL FOR AN ACT

RELATING TO LIABILITY.

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

1 SECTION 1. The purpose of this Act is to encourage
2 irrigation system owners to continue operating and maintaining
3 their systems and transporting water for the benefit of public
4 use.

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

8 "§663- Exception to liability; irrigation system owner.

9 (a) An irrigation system owner shall owe no duty of care to a
10 trespasser who enters onto land containing or abutting the
11 irrigation system.

12 (b) Nothing in this section shall be construed to apply to
13 an invitee or licensee.

14 (c) For purposes of this section:

15 "Invitee" means a person who enters onto land containing or
16 abutting an irrigation system in response to an express or
17 implied invitation of the irrigation system owner.



1 "Irrigation system" means the agricultural system of
2 intakes, diversions, wells, ditches, siphons, pipes, reservoirs,
3 access trails, and accessory facilities established to provide
4 water for agricultural production.

5 "Licensee" means a person who enters onto land containing
6 or abutting an irrigation system with the irrigation system
7 owner's permission, express or implied, for the person's own
8 purpose or business and not for the irrigation system owner's
9 benefit.

10 "Trespasser" means a person who enters onto land containing
11 or abutting an irrigation system without permission or
12 privilege."

13 SECTION 3. 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 4. New statutory material is underscored.

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



Report Title:

Liability; Irrigation System Owner

Description:

Provides that an irrigation system owner shall owe no duty of care to a trespasser who enters onto land containing or abutting an irrigation system. (HB2358 HD1)

