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

4                           **"PART       .   UNIMPROVED LAND LIABILITY**

5           **§663-A Definitions.** As used in this part:

6           "Naturally occurring land failure" means any movement of  
7 land, including a landslide, debris flow, mudslide, creep,  
8 subsidence, rock fall, and any other gradual or rapid movement  
9 of land, that is not caused by alterations to, or improvements  
10 constructed upon, the land.

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

17           **§663-B Land failure on unimproved land caused by natural**  
18 **condition; liability.** A landowner shall not be liable for any



1 damage, injury, or harm to persons or property outside the  
2 boundaries of the landowner's land caused by any naturally  
3 occurring land failure originating on unimproved land.

4       **§663-C Natural condition.** For purposes of this part, the  
5 natural condition of land exists notwithstanding minor  
6 improvements, such as the installation or maintenance of utility  
7 poles, fences, and signage; or minor alterations undertaken for  
8 the preservation or prudent management of the unimproved land,  
9 such as the installation or maintenance of trails or pathways or  
10 maintenance activities, such as forest plantings and weed,  
11 brush, rock, boulder, or tree removal."

12       SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun, before its effective date.

15       SECTION 3. If any provision of this Act, or the  
16 application thereof to any person or circumstance is held  
17 invalid, the invalidity does not affect other provisions or  
18 applications of the Act that can be given effect without the  
19 invalid provision or application, and to this end the provisions  
20 of this Act are severable.

21       SECTION 4. In codifying the new sections added by section  
22 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Unimproved Land; Liability

**Description:**

Removes the liability of landowners regarding natural conditions on their land that cause damage outside the land. (SD2)

