

STAND. COM. REP. NO. 876 -08

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 2350  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2350, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY FOR NATURAL CONDITIONS,"

begs leave to report as follows:

The purpose of this bill is to codify common law regarding the liability of landowners for personal injury or property damage caused outside of the land by naturally occurring land failures on the land by limiting the liability of landowners of unimproved land for damages caused by a naturally occurring land failure to persons and property outside the boundaries of the land.

The Department of Land and Natural Resources and Kamehameha Schools testified in support of this bill. The Consumer Lawyers of Hawaii opposed this measure.

Your Committee understands that landowner liability is a serious issue in our state. Your Committee is also concerned, however, that provisions in this measure might have the unintended consequence of creating a disincentive for landowners to take advance precautions in preventing known dangerous conditions from developing on their lands.



Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2350, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2350, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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TOMMY WATERS, Chair



