

JAN 26 2009

S.B. NO. 857

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# A BILL FOR AN ACT

RELATING TO PUBLIC LAND LIABILITY.

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

1           SECTION 1. The warning sign liability protections provided  
2 in Act 82, Session Laws of Hawaii 2003, will sunset on June 30,  
3 2010. Act 82 established a process by which a legally adequate  
4 warning system could be developed for improved public lands.  
5 The legislature finds that Act 82 has increased public safety  
6 and protects the State and counties from unlimited liability  
7 arising out of recreational activities on public lands, and,  
8 therefore, should be made permanent.

9           The purpose of this Act is to make permanent the liability  
10 protections for warning signs for outdoor recreation on public  
11 lands.

12           SECTION 2. Act 82, Session Laws of Hawaii 2003, as amended  
13 by section 5 of Act 152, Session Laws of Hawaii 2007, is amended  
14 by amending section 8 to read as follows:

15           "SECTION 8. This Act shall take effect on July 1, 2003[  
16 ~~and shall be repealed on June 30, 2010~~]."

17           SECTION 3. Statutory material to be repealed is bracket  
18 and stricken.

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1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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BY REQUEST

**Report Title:**

Public Land Liability

**Description:**

Makes permanent the limitation of liability for public entities based on the duty to warn of dangers on public lands.

SB 857

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY.

PURPOSE: The purpose of this bill is to make permanent the liability protections for warning signs for outdoor recreation on public lands. At present, the warning sign liability protections provided in Act 82, Session Laws of Hawaii (SLH) 2003.

MEANS: Amend section 8 of Act 82, SLH 2003, as amended by section 5 of Act 152, SLH 2007.

JUSTIFICATION: Act 82 established a process by which a legally adequate warning system could be developed for improved public lands. Act 82 was intended to increase the public safety and protect the State and counties from unlimited liability arising out of recreational activities on public lands. Many of these lands are inherently dangerous and contain potential risks. Act 82 created a process in which a risk assessment group reviews the design and placement of proposed warning signs that are later approved by the Board of Land and Natural Resources after input from the public. This process has allowed the State and counties to refine signage and improve the quality of warning signs on public lands throughout the State, benefiting public users. As a result of Act 82, the public safety has in fact been increased by the design and placement of state-of-the-art warning signs. Indeed, these warning signs have been made more uniform throughout the State, and they serve as model signs for other governmental entities to use. This warning sign process has increased public safety and brought credit upon this State, and should be made permanent.

Impact on the public: The public in general will benefit from the increase in public safety as well as from the saving of public funds.

Impact on the department and other agencies: The Department of Land and Natural Resources and the counties will benefit by having permanent protection from unlimited liability arising out of the public use of recreational land as long as the process established for warning signs is followed.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: Judiciary.

EFFECTIVE DATE: Upon approval.