
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. Chapter 264, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§264- Highway improvements; indemnity of private
5 developer and nonliability of state and county for provision
6 prior to warrant. (a) A private developer that constructs any
7 improvements to any state or county highway:

8 (1) At the request of a state or county agency;

9 (2) In accordance with specifications approved by the
10 state or county agency; and

11 (3) Prior to the improvements being warranted pursuant to
12 a traffic impact analysis report, approved or accepted
13 by the state or county agency,

14 shall be indemnified by the State, if the agency requesting the
15 improvements was a state agency, or by the appropriate county,
16 if the agency requesting the improvements was a county agency,
17 from any liability to any person for any injury, including
18 wrongful death, arising from, out of, or resulting from,



1 directly or indirectly, the provision of the highway
2 improvements prior to their being warranted.


3 (b) If the State or any county accepts and opens to public
4 use any improvements on any state or county highway and the
5 improvements were not determined to be warranted by a traffic
6 impact analysis report that was accepted by the State or
7 appropriate county, then neither the State nor the appropriate
8 county extends any assurances that the unwarranted improvements
9 are safe for any purpose and shall not be held liable to any
10 person for any injury, including wrongful death, or damage to
11 person or property, arising from, out of, or resulting from,
12 directly or indirectly, the unwarranted improvements to the
13 state or county highway."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16

INTRODUCED BY:



Karen Luana
Rosa T. R. Cabanilla

JAN 28 2009



Report Title:

Highways; Indemnification; Hold Harmless for State and Counties

Description:

Indemnifies any private developer and holds State and counties not liable for injuries due to any highway improvements accepted by the State or county and made available for public use prior to the improvements being warranted by a traffic impact analysis report.

