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# A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

**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 section to be appropriately designated  
3 and to read as follows:  
4           "§663-    Trespass; no duty of care; liability of owner;  
5 rebuttable presumption. (a) Notwithstanding any provision in  
6 this chapter to the contrary, an owner of land owes no duty of  
7 care to keep the land safe for entry or use by a trespasser or  
8 to give any warning of a dangerous condition, use, structure, or  
9 activity on the land to a trespasser.  
10           (b) There shall be a presumption that an owner of land is  
11 not liable to a trespasser for injury, loss, damage, or death  
12 occurring on the premise.  
13           (c) In any action for civil damages, the presumption that  
14 an owner of land is not liable to a trespasser for injury, loss,  
15 damage, or death occurring on the land may be rebutted by a  
16 preponderance of the evidence that the owner:

17           (1) Committed an act or omission that constitutes gross  
18           negligence or wilful or wanton disregard for the



1           safety of the trespasser and that act or omission  
2           caused the injury, loss, damage, or death; or

3           (2) Intentionally injured the trespasser.

4           (d) As used in this section, unless the context otherwise  
5 requires:

6           "Invited guest" means any person specifically invited by  
7 the owner or authorized representative of the owner to visit  
8 land for social, business, or other purpose.

9           "Land" means land, roads, water, watercourses, private ways  
10 and buildings, structures, and machinery or equipment when  
11 attached to realty, other than lands owned by the government.

12           "Owner" means the possessor of a fee interest, a tenant,  
13 lessee, occupant, or person, group, club, partnership, or  
14 corporation in control of the land.

15           "Trespasser" means a person who enters or remains on land  
16 without the permission of the owner or the owner's agent and who  
17 is not an invited guest."

18           SECTION 2. New statutory material is underscored.

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

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**Report Title:**

Landowner Liability; Trespass

**Description:**

Provides that landowners have no duty of care to trespassers; establishes rebuttable presumption of no liability; permits trespasser to overcome presumption by preponderance of evidence that owner was grossly negligent or intentionally injured the trespasser; effective 7/1/50. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

