
A BILL FOR AN ACT

RELATING TO RANGE LAND LIABILITY.

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

1 SECTION 1. The purpose of this Act is to preserve and
2 encourage range land use for livestock grazing, dairying and
3 keeping of equine, bovine and similar livestock. This measure
4 recognizes that the cost of making and keeping large tracts of
5 range land safe for trespassers is impractical and not
6 economically feasible, and limits the liability of range land
7 owners. This measure also grants protection under chapter 520
8 to landowners who permit recreational use of range lands.

9 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§663- Trespass; no duty of care; liability of owner;
13 rebuttable presumption. (a) An owner of range land owes no
14 duty of care to keep range land safe for entry or use by a
15 trespasser or warn of dangerous natural conditions, range
16 activities, or uses to a trespasser.



1 (b) There shall be a rebuttable presumption that an owner
2 of range land is not liable to a trespasser for injury, loss,
3 damage, or death occurring on range land.

4 (c) Nothing contained in this section shall limit the
5 liability of an owner who is grossly negligent, wilfully or
6 wantonly disregards the safety of a trespasser, or intentionally
7 causes injury, damage, or death to a trespasser.

8 (d) An owner who allows recreational use of range land
9 shall be entitled to the protections of chapter 520, provided
10 that the provisions of chapter 520 are met.

11 (e) As used in this section:

12 "Owner" means any person or entity that owns, possesses, or
13 controls range land.

14 "Range land" means any land exceeding five acres which is
15 used primarily for range use, including livestock grazing,
16 dairying or keeping of equine, bovine and similar livestock.
17 The five acre requirement includes multiple parcels of less than
18 five acres in size that together exceed five acres in the
19 aggregate, when operated as a single venture. Range land
20 includes appurtenant roadways, waterways, buildings, structures,
21 and machinery or equipment attached to the land used in
22 connection with range land activities.



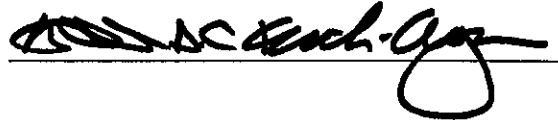
1 "Trespasser" means the same as in section 708-814(c)."

2 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:



JAN 26 2011



Report Title:

Relating to Range Land Liability

Description:

Limits range land owners' liability in cases of trespass or granted recreational use.

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