
A BILL FOR AN ACT

RELATING TO TRESPASS.

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

1 SECTION 1. The legislature finds that visitor-guide
2 websites and visitor-guide publications may encourage visitors
3 to intrude onto private or public property to experience an
4 attraction or activity. The representations made by these
5 websites and publications potentially put visitors at risk by
6 describing attractions or activities without adequately
7 explaining the inherent dangers associated with them or that
8 they are located on or require crossing private or public
9 property from which the public is excluded, often resulting in
10 serious injury to or the death of the visitor.

11 The legislature further finds that because of the publicity
12 from and encouragement by visitor-guide websites and visitor-
13 guide publications, private and public landowners may be unable
14 to reasonably prevent intruders from traveling on or through
15 their land to gain access to the dangerous attraction or
16 activity.



1 The purpose of this Act is to:

2 (1) Hold authors or publishers of visitor-guide websites
3 or visitor-guide publications who knowingly or
4 negligently encourage or invite any person to enter or
5 remain on private or public lands that are not open to
6 the public, civilly liable for injury to or death of
7 the person; and

8 (2) Require the authors or publishers to defend and
9 indemnify the owner or occupier of the private or
10 public land from any liability arising from injury to
11 or the death of the person.

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

15 "§663- Visitor-guide liability. (a) Any author or
16 publisher of a visitor-guide website or visitor-guide
17 publication shall be civilly liable for injury or death to a
18 person if the:

19 (1) Visitor-guide website or visitor-guide publication
20 knowingly or negligently encourages or invites any
21 person to enter, cross, or remain on privately or



1 publicly owned land from which the public is excluded;

2 and

3 (2) Person is injured or dies as a result of the person's

4 entering, crossing, or remaining on privately or

5 publicly owned land from which the public is excluded

6 as a result of information or statements contained in

7 the visitor-guide website or visitor-guide

8 publication.

9 (b) The visitor-guide website or visitor-guide publication

10 that is liable to any person described in subsection (a) shall

11 also defend and indemnify the owner or occupier of private or

12 public land from which the public is excluded for any liability

13 arising on account of such injury or death.

14 (c) As used in this section:

15 "Visitor-guide publication" means any published book,

16 pamphlet, magazine, handout, mailer, or advertisement, whether

17 disseminated via hard copy or electronic distribution that

18 provides information about a visitor destination, geographic

19 destination, or natural attraction on privately or publicly

20 owned land in the State from which the public is excluded.

21 "Visitor-guide website" means any commercial travel:

22 (1) Website;



1 (2) Social media wireless communication;
2 (3) Forum;
3 (4) Twitter account; or
4 (5) Blog,
5 that provides information about a visitor destination,
6 geographic destination, or natural attraction on privately or
7 publicly owned land in the State from which the public is
8 excluded."

9 SECTION 3. New statutory material is underscored.

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



Report Title:

Visitor-guide Publications and Websites; Liability; Private and Public Lands

Description:

Holds authors and publishers of visitor websites and publications liable to readers who suffer injury or death as a result of being enticed to go onto private or public lands from which the public is excluded. (HB548 HD2)

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