

JAN 21 2011

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 legislature finds that range land must be
2 preserved and used for livestock grazing, dairying, and keeping
3 of equine, bovine, and similar livestock. The legislature
4 further finds that the cost of making and keeping safe from
5 trespassers large tracts of range land is impractical and
6 economically infeasible.

7 The purpose of this Act is to clarify that owners of range
8 land owe no duty of care to trespassers under specified
9 conditions.

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

13 "§663- Range lands; trespass; no duty of care. (a)
14 There shall be a rebuttable presumption that an owner of range
15 land owes no duty of care toward a trespasser for injury,
16 property damage, or death occurring on range land or to warn a
17 trespasser of dangerous natural conditions or range activities
18 or uses; provided that the range land:



1 (1) Is fenced, enclosed, or secured in a manner designed
2 to exclude intruders; and

3 (2) Has at least one sign displayed on the range land that
4 is sufficient to give notice and reading as follows:
5 "Private Property". The sign shall contain letters
6 not less than two inches in height, and shall be
7 placed along the boundary line of the range land in a
8 manner and position as to be clearly noticeable from
9 outside the boundary line.

10 (b) Nothing in this section shall limit the liability of a
11 range land owner whose acts are grossly negligent, wilful, or in
12 wanton disregard to the safety of a trespasser, or who
13 intentionally causes injury, property damage, or death to a
14 trespasser.

15 (c) The duty of care of an owner of range land who allows
16 recreational use of range land shall be as provided in section
17 520-3.

18 (d) As used in this section:

19 "Duty of care" means to:

20 (1) Keep range land safe for entry or use; or

21 (2) Warn of dangerous natural conditions or range
22 activities or uses.



1 "Owner" means any person or entity that owns, possesses, or
2 controls range land.

3 "Range land" means any land exceeding five acres which is
4 used primarily for range use, including livestock grazing,
5 dairying, or keeping of equine, bovine and similar livestock.
6 Range land includes appurtenant roadways, waterways, buildings,
7 structures, and machinery or equipment attached to the land used
8 in connection with range land activities. The range land may
9 include multiple parcels of less than five acres in size that
10 together exceed five acres in the aggregate, when operated as a
11 single venture.

12 "Trespasser" means a person who enters or remains on range
13 land without the permission of the owner of the range land, the
14 owner's agent, or the person in lawful possession of the land."

15 SECTION 3. New statutory material is underscored.

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

17

INTRODUCED BY: _____



Report Title:

Range Land; Liability of Owner; Trespass

Description:

Specifies that an owner of range land owes no duty of care toward trespassers under specified conditions.

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

