
A BILL FOR AN ACT

RELATING TO CONSERVATION EASEMENTS.

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

1 SECTION 1. The purpose of this Act is to limit the tort
2 liability of owners of land who transfer conservation easements
3 to the State. More specifically, this Act provides that the
4 owner of land owes no duty of care to keep the easement safe for
5 entry or use by others, or to give any warning of a dangerous
6 condition, use, structure, or activity on such easement.

7 SECTION 2. Chapter 520, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§520- Transfer of easement to State. (a) An owner of
11 land who transfers a conservation easement to the State pursuant
12 to chapter 198 shall be afforded the same protection as to the
13 easement as an owner of land who invites or permits any person
14 to use that owner's property for recreational purposes under
15 section 520-4(a).

16 (b) Chapters 661 and 662 or any other law to the contrary
17 notwithstanding, nothing in this section shall create an
18 obligation, debt, claim, cause of action, claim for relief,



1 charge, or any other liability of any kind whatsoever in favor
2 of any person or entity, without regard to whether that person
3 or entity receives any benefits under this section, against the
4 State or its officers and employees."

5 SECTION 3. New statutory material is underscored.

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

7

INTRODUCED BY: _____



JAN 20 2011



Report Title:

Conservation Easement; Transfer; Land Owner Liability

Description:

Limits the tort liability of land owners and the State when a land owner transfers a conservation easement to the State.

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