
A BILL FOR AN ACT

RELATING TO PUBLIC LAND LIABILITY.

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

1 SECTION 1. The purpose of this Act is to amend Act 82,
2 Session Laws of Hawaii 2003, to amend and clarify the definition
3 of "improved public lands."

4 SECTION 2. Act 82, Session Laws of Hawaii 2003, as amended
5 by section 5 of Act 152, Session Laws of Hawaii 2007, by section
6 1 of Act 144, Session Laws of Hawaii 2008, and by section 3 of
7 Act 81, Session Laws of Hawaii 2009, is amended by amending
8 section 663- , Hawaii Revised Statutes, Definitions, in section
9 2 of Act 82 as follows:

10 1. By adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Voluntary trails" means trails, paths, or routes created
13 by hikers or other users of public land that are not part of an
14 official trail constructed, developed, or maintained by the
15 State or a county."

16 2. By amending the definition of "improved public lands"
17 as amended by section 1 of Act 144, Session Laws of Hawaii 2008,
18 to read as follows:



1 "Improved public lands" means lands designated as part of
2 the state park system, parks, and parkways under chapter 184,
3 which are developed or maintained by the State, or as part of a
4 county's park system, which are developed or maintained by the
5 county, and lands which are part of the Hawaii statewide trail
6 and access system under chapter 198D, excluding buildings and
7 structures constructed upon such lands. For purposes of this
8 part, "improved public lands" excludes voluntary trails created
9 by users of the public lands that are not part of the statewide
10 trail and access system, ocean and submerged lands[-], and any
11 public beach park falling within section 663-1.56."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on January 1, 2020.



Report Title:

Public Land Liability

Description:

Amends and clarifies the definition of "improved public lands" for purposes of limiting liability for public entities based on the duty to warn of dangers on public lands. Effective July 1, 2020. (HB2462 HD1)

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