
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature recognizes that trespassing on
2 agricultural land is a frequent occurrence in the State.
3 Agricultural crimes, including theft of landowners' crops,
4 livestock, machinery, and other property, are often committed by
5 trespassers. Trespassers increase landowners' vulnerability to
6 liability from deaths or injuries that occur on landowners'
7 property. Trespassers are also known to cut fences, cut gate
8 chains, and leave gates open, which result in substantial costs
9 to landowners in money and time.

10 In 2011, in response to growing concerns over agricultural
11 trespass in the State, Act 208, Session Laws of Hawaii 2011, was
12 enacted, among other things, to protect owners of more than four
13 acres of agricultural land by limiting their civil liability for
14 injury, death, loss, or damages suffered by a trespasser on the
15 land. The legislature finds that smaller owners of agricultural
16 lands of four acres or less are also vulnerable to the risks and
17 costs associated with trespassers.



1 The purpose of this Act is to extend the limited liability
2 protection against actions by trespassers to owners of
3 agricultural lands that are four acres or less, if the farming
4 operation produces annual taxable revenues in excess of
5 \$100,000.

6 SECTION 2. Section 663-10.99, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) For purposes of this section, unless the context
9 otherwise requires:

10 "Agricultural land" means ~~[any]~~:

11 (1) Any land in excess of four acres used primarily for a
12 farming operation, as defined in section 165-2[~~+~~
13 ~~provided that the term shall include], including land~~
14 used for farm buildings [~~and~~], dwellings [~~and~~], roads,
15 and irrigation infrastructure associated with the
16 agricultural land[~~-~~]; or

17 (2) Any land of four acres or less used primarily for a
18 farming operation, as defined in section 165-2, that
19 produces an annual taxable revenue in excess of
20 \$100,000 from farming operations, including land used
21 for farm buildings, roads, and irrigation
22 infrastructure associated with the agricultural land.



1 "Fallow" means land associated with agricultural production
2 that is left unseeded or unplanted for one or more growing
3 seasons.

4 "Owner" means the possessor of a fee interest, a tenant,
5 lessee, occupant, or person, group, club, partnership, family,
6 organization, entity, or corporation that is in control,
7 possession, or use of the land, and their members, agents,
8 partners, representatives, shareholders, and employees.

9 "Trespasser" means a person who enters or remains
10 unlawfully on [~~the~~] agricultural land without the permission of
11 the owner[~~, and~~], where the lands:

12 (1) Are fenced, enclosed, secured in a manner designed to
13 exclude the general public, or marked by a structure
14 or barrier, including a cattle grid, cattle grate, or
15 other obstacle used to secure livestock;

16 (2) Have a sign or signs displayed on the land that are
17 sufficient to give reasonable notice and that read [~~as~~
18 follows]: "No Trespassing" or a substantially similar
19 message; provided that the sign or signs shall consist
20 of letters not less than two inches in height and
21 shall be placed at reasonable intervals along the
22 boundary line of the land and at roads and trails



1 entering the land in a manner and position as to be
2 clearly noticeable from outside the boundary line; or

3 (3) At the time of entry, are fallow or have a visible
4 presence or evidence of livestock-raising, such as
5 cattle, horses, water troughs, shelters, or paddocks,
6 or a crop:

7 (A) Under cultivation;

8 (B) In the process of being harvested; or

9 (C) That has been harvested."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

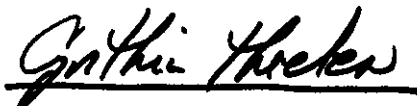
12 SECTION 4. This Act shall take effect upon its approval.
13

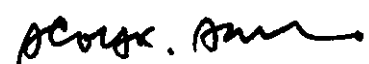
INTRODUCED BY:

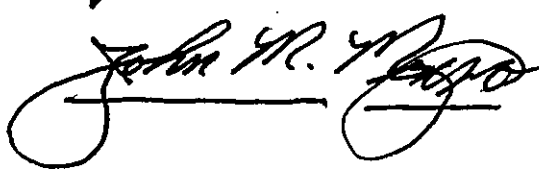




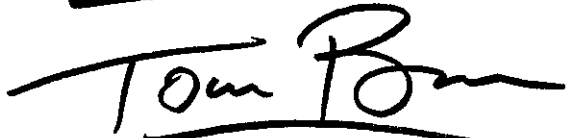
















H.B. NO. 442

Report Title:

Trespass; Agricultural Land

Description:

Extends the limited liability protections against trespasser lawsuits to qualifying owners of four or less acres of agricultural land.

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

