

JAN 24 2013

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that the lack of repair
2 or maintenance of streets, of which the ownership and
3 jurisdiction is in dispute between the State and a county in
4 which the road is located, a situation commonly referred to as
5 "roads in limbo", is a possible reason for the condition of
6 those streets. The legislature further finds that government
7 agencies are unwilling to maintain these roads because of
8 potential liability issues associated with repair and
9 maintenance.

10 The purpose of this Act is to provide immunity to the State
11 and counties for injuries sustained due to the repair or
12 maintenance of streets undertaken by the State or a county, in
13 cases in which the ownership or jurisdiction of such streets is
14 in dispute between the State and a county.

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



1 "§663- Liability of State or county for maintenance of
2 certain roads; immunity. The State or a county that repairs or
3 maintains a street, as defined in section 291C-1, of which the
4 ownership or jurisdiction of the street is in dispute between
5 the State and the county, shall be immune from liability for
6 personal injuries or property damage, or both, arising out of
7 the repair or maintenance of that street as undertaken by the
8 State or the county, as applicable.

9 For purposes of this section, repair or maintenance of a
10 street shall not be deemed to confer ownership or jurisdiction
11 over such street, if the ownership or jurisdiction over the
12 street is in dispute between the State and the county."

13 SECTION 3. New statutory material is underscored.

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

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Report Title:

Roads in Limbo; Liability for Maintenance

Description:

Provides that the state or a county that repairs or maintains a street of which the ownership or jurisdiction of the street is in dispute between the State and the county, shall be immune from liability for personal injuries or property damage arising out of the repair or maintenance of that street. Deems that maintenance of a street shall not confer ownership or jurisdiction over such street, if the ownership or jurisdiction over the street is in dispute between the State and the county.

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

