
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 safety of
2 residents traveling over roads whose ownership and jurisdiction
3 are in dispute between the State and the counties, commonly
4 known as "roads in limbo", is affected by the lack of any
5 maintenance to such roads. The legislature also finds that
6 government agencies are unwilling to maintain these roads
7 because the maintenance activities may be construed as assuming
8 ownership and jurisdiction over the disputed roads, and the
9 government agency may be subject to liability due to the
10 maintenance activities. The purpose of this Act is to enable
11 government agencies to maintain roads whose ownership and
12 jurisdiction are in dispute between the State and the counties
13 without incurring liability or assuming ownership or
14 jurisdiction over those roads.

15 SECTION 2. Chapter 662, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§662- No liability for maintenance or repair of
2 disputed roads; liability of county for dedicated roads. (a) A
3 government agency maintaining or repairing a road whose
4 ownership is in dispute between the State and the county shall
5 not be liable to any person for injury or damage sustained when
6 using that road, and shall not be deemed to have assumed
7 ownership or jurisdiction over the disputed road.

8 (b) If a county accepts by resolution the dedication of a
9 road whose ownership is in dispute between the county and the
10 State, the county shall not be liable to any person for injury
11 or damage sustained while that person is using that road for a
12 period of ten years following the acceptance of that road by
13 resolution."

14 SECTION 3. Section 46-15.9, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "~~(b) [Any provision of the law to the contrary~~
17 ~~notwithstanding, any county and its authorized personnel may~~
18 ~~repair or maintain, in whole or in part, public streets, roads,~~
19 ~~or highways whose ownership is in dispute between the State and~~
20 ~~the county.] A county agency maintaining or repairing a road~~
21 whose ownership is in dispute between the State and the county



1 shall not be liable to any person for injury or damage sustained
2 when using that road."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2013, and
6 shall be repealed on December 31, 2023.

7



Report Title:

Liability; Road Maintenance; Disputed Roads

Description:

Allows government agencies that assume maintenance of disputed roads to improve the condition of the disputed road without incurring liability. Specifies that if a county accepts by resolution the dedication of a road in limbo, the county shall not be liable for injury or damage sustained while using that road for ten years after acceptance of that road by resolution. Specifies that a county agency maintaining or repairing a road whose ownership is in dispute between the State and the county shall not be liable to any person for injury or damage sustained when using that road. Repeals December 31, 2023. (SD1)

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