
A BILL FOR AN ACT

RELATING TO THE CONDITION OF LAND.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Landowner duty to inspect; rockslides; hazards.

5 (a) A land occupier or landowner shall have a continuing duty
6 to inspect, or cause to be inspected, the land owned by the
7 landowner or occupied by the land occupier, as applicable, for
8 risk of rockslide or landslide or the presence of a natural or
9 man-made hazard; provided that the inspection shall be made at a
10 frequency and at intervals appropriate to the measure of the
11 risk, as is reasonable under the circumstances.

12 (b) A land occupier or landowner, as applicable under
13 subsection (a), shall keep written records of each inspection;
14 provided that the written records shall be admissible as
15 evidence in any court proceeding relating to any claim of
16 liability related to a rockslide, landslide, or the presence of
17 a natural or man-made hazard.



1 (c) This section shall not be deemed to preclude a county
2 from adopting ordinances not less stringent than contained in
3 this section.

4 (d) As used in this section:

5 "Land occupier" means a person who occupies, resides on, or
6 utilizes land or real estate of a landowner pursuant to a
7 written lease agreement.

8 "Landowner" means the possessor of a fee simple absolute
9 title in land or real estate and includes the State and its
10 political subdivisions in their capacities as owners of public
11 lands.

12 "Landslide" means the rapid downward movement of a mass or
13 rock, earth, or artificial fill on a slope.

14 "Man-made hazard" means a condition of the land created by
15 an element of human intent, negligence, or error that may cause
16 a rockslide, landslide, or other disaster.

17 "Natural hazard" means biological, geological,
18 hydrological, or seismic conditions that may cause a rockslide,
19 landslide, or other disaster, including a hazard potential as
20 defined in section 179D-3.

21 "Reasonable under the circumstances" means an effort made
22 under reasonably foreseeable circumstances that would prevent a



1 rockslide, landslide, or natural or man-made hazard from causing
2 harm, including but not limited to:

- 3 (1) Personal injury or death to persons coming onto the
- 4 land, or coming onto or occupying surrounding land; or
- 5 (2) Property damage to surrounding land.

6 "Rockslide" means:

- 7 (1) The usual rapid downward movement of detached segments
- 8 of hillside or bedrock; or
- 9 (2) The rock mass that has reached its current position
- 10 through erosion."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 3. New statutory material is underscored.

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

16

INTRODUCED BY: John M. Rapo
JAN - 8 2014



Report Title:

Rockslides; Natural Hazards; Man-Made Hazards; Duty to Inspect

Description:

Imposes on a landowner or land occupier a continuing duty to inspect property for risk of rockslide, landslide, and natural hazards and man-made hazards that could result in harm to persons or property.

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