

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 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. A government agency maintaining or repairing a
3 road whose ownership is in dispute between the State and the
4 county shall not be liable to any person for injury or damage
5 sustained when using that road, and shall not be deemed to have
6 assumed ownership or jurisdiction over the disputed road."

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

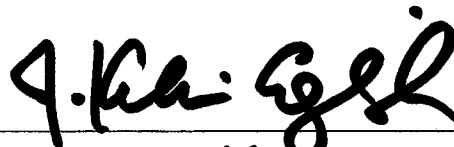
9 "(b) [~~Any provision of the law to the contrary~~
10 ~~notwithstanding, any county and its authorized personnel may~~
11 ~~repair or maintain, in whole or in part, public streets, roads,~~
12 ~~or highways whose ownership is in dispute between the State and~~
13 ~~the county.] A county agency maintaining or repairing a road
14 whose ownership is in dispute between the State and the county
15 shall not be liable to any person for injury or damage sustained
16 when using that road."~~

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 Statutory material to be repealed is bracketed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

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20 shall be repealed on December 31, 2023.

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INTRODUCED BY:



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S.B. NO. 1357

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. Repeals December 31, 2023.

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

