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# 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 due to the  
9 maintenance activities. The purpose of this Act is to enable  
10 government agencies to maintain roads whose ownership and  
11 jurisdiction are in dispute between the State and the counties.

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

15           "§662 Maintenance or repair of disputed roads; quitclaim.

16           (a) No action by a government agency to maintain or repair a  
17 road, ownership of which is in dispute between the State and a  
18 county, shall be used to establish the agency's ownership of or



1 jurisdiction over the road and the agency shall not be deemed to  
2 have assumed ownership of or jurisdiction over the road solely  
3 because of action to maintain or repair a road.

4 (b) If a county requests or requires title to a disputed  
5 road, the State may quitclaim whatever interest it has in the  
6 road to the county."

7 SECTION 3. Section 46-15.9, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§46-15.9 Traffic regulation; repair and maintenance;**  
10 **public right to use public streets, roads, or highways whose**  
11 **ownership is in dispute.** (a) Any provision of law to the  
12 contrary notwithstanding, any county and its authorized  
13 personnel may impose and enforce traffic laws and shall enforce  
14 chapters 249; 286; 287; 291; 291C; 291E; 431, articles 10C and  
15 10G; and 486, part III on public streets, roads, or highways  
16 whose ownership is in dispute between the State and the county.

17 (b) ~~[Any provision of the law to the contrary~~  
18 ~~notwithstanding, any county and its authorized personnel may~~  
19 ~~repair or maintain, in whole or in part, public streets, roads,~~  
20 ~~or highways whose ownership is in dispute between the State and~~  
21 ~~the county.] No action by a government agency to maintain or  
22 repair a road, ownership of which is in dispute between the~~



1 State and a county, shall be used to establish the agency's  
2 ownership of or jurisdiction over the road and the agency shall  
3 not be deemed to have assumed ownership of or jurisdiction over  
4 the road solely because of action to maintain or repair a road.

5 (c) No presumption that a county owns a particular street,  
6 road, or highway shall arise as a result of the county's  
7 performance of the activities allowed by subsection (a) or (b).

8 (d) If a county requests or requires title to a disputed  
9 road, the State may quitclaim whatever interest it has in the  
10 road to the county.

11 [~~(d)~~] (e) The general public shall have the unrestricted  
12 right to use public streets, roads, or highways whose ownership  
13 is in dispute between the State and the county to access the  
14 shoreline and other public recreational areas; provided that  
15 this subsection shall not apply to any private street, road, or  
16 highway whose ownership is in dispute.

17 [~~(e)~~] (f) As used in this section[~~+~~

18 "~~Public recreational area~~"], "public recreational area"  
19 means coastal and inland recreational areas, including beaches,  
20 shores, public parks, public lands, public trails, and bodies of  
21 water opened to the public for recreational use."



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

3 SECTION 5. This Act shall take effect on July 1, 2050;  
4 provided that on December 31, 2023, this Act shall be repealed  
5 and section 46-15.9, Hawaii Revised Statutes, shall be reenacted  
6 in the form in which it read on the day prior to the effective  
7 date of this Act.



**Report Title:**

Liability; Road Maintenance; Disputed Roads

**Description:**

Specifies that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance activities. Authorizes State to quitclaim ownership of roads in favor of counties. Effective July 1, 2050. Repealed December 31, 2023. (SB1357 HD1)

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

