

JAN 17 2014

A BILL FOR AN ACT

RELATING TO VEGETATION.

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- Encroachment of vegetation; landowner liability.

5 (a) Vegetation, including overhanging branches or tree limbs,
6 that encroaches over a landowner's property line shall
7 constitute trespass. An aggrieved landowner shall not have to
8 demonstrate physical harm or damage to the landowner's property
9 before seeking remedy for the encroaching vegetation.

10 (b) When vegetation encroaches onto a landowner's
11 property, an aggrieved landowner shall have the following
12 recourse:

13 (1) To exercise a self-help remedy by removing the
14 vegetation to the extent the landowner's property is
15 encroached, but not beyond the property line of the
16 neighboring property; and



1 (2) To recoup from the trespasser any reasonable expenses
2 incurred in the course of exercising a self-help
3 remedy."

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. New statutory material is underscored.

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

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S.B. NO. 2530

Report Title:

Vegetation; Encroachment; Trespass

Description:

Establishes that encroaching vegetation such as tree limbs and branches constitutes trespass, and an aggrieved landowner does not have to demonstrate physical harm or damage to the property before taking action to remedy the encroachment. Specifies that an aggrieved landowner may trim the vegetation back to the property line as well as seek reimbursement from the trespasser for any reasonable expenses incurred in such recourse.

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

