

JAN 18 2013

S.B. NO. 745

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# A BILL FOR AN ACT

RELATING TO LANDOWNERS' LIABILITY.

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

1 SECTION 1. Section 520-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§520-4 Liability of owner limited.** (a) Except as  
4 specifically recognized by or provided in section 520-6, an  
5 owner of land who either directly or indirectly invites or  
6 permits without charge any person to use the property for  
7 recreational purposes does not:

8 (1) Extend any assurance that the premises are safe for  
9 any purpose;

10 (2) Confer upon the person the legal status of an invitee  
11 or licensee to whom a duty of care is owed;

12 (3) Assume responsibility for, or incur liability for, any  
13 injury to person or property caused by an act of  
14 omission or commission of [~~such persons;~~] the person;  
15 and

16 (4) Assume responsibility for, or incur liability for, any  
17 injury to person or persons who enter the premises in  
18 response to an injured recreational user.



1 (b) An owner of land who is required or compelled to  
2 provide access or parking for [~~such~~] the access through or  
3 across the owner's property because of state or county land use,  
4 zoning, or planning law, ordinance, rule, ruling, or order, to  
5 reach property used for recreation purposes, or as part of a  
6 habitat conservation plan, or safe harbor agreement, shall be  
7 afforded the same protection as to [~~such~~] the access, including  
8 parking for [~~such~~] the access, as an owner of land who invites  
9 or permits any person to use that owner's property for  
10 recreational purposes under subsection (a).

11 (c) An owner of land shall not be liable for any injury to  
12 person or property resulting from a person's use of the land for  
13 recreational purposes if the person voluntarily signs a written  
14 release waiving the owner's liability for injuries resulting  
15 from the use."

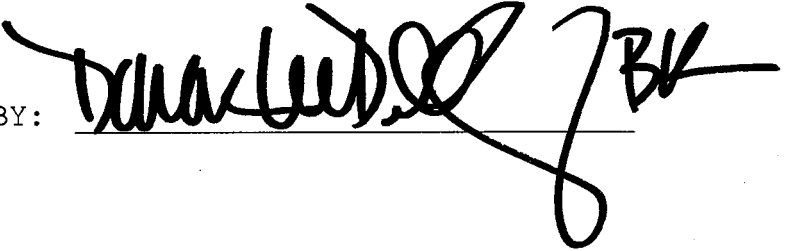
16 SECTION 2. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

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



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

2

INTRODUCED BY: 



**Report Title:**

Landowners' Liability; Recreational Use; Waiver

**Description:**

Limits a landowner's liability if a recreational user voluntarily signs a written release waiving the owner's liability for injuries resulting from the use.

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

