

STAND. COM. REP. NO.

562

Honolulu, Hawaii

February 20, 2015

RE: H.B. No. 1408

H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1408, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE ROADS,"

begs leave to report as follows:

The purpose of this measure is to address questions regarding the responsibility for the repair and maintenance of privately owned highways. Specifically, this measure confers the responsibility for the construction, reconstruction, preservation, resurfacing, restoration, and rehabilitation of a privately owned highway to a county if the privately owned highway has been surrendered to the county or where the highway has been used by the public without restriction and has a history of maintenance by the county or State.

Bank of Hawaii and a concerned individual testified in support of the measure. The City and County of Honolulu and a member of the County Council, County of Maui testified in opposition.

Your Committee has amended this measure to specify that:

- (1) An "abandoned road," where there has been no act of ownership in the past five years, is automatically surrendered to the counties, except where the State notifies the county within thirty days that the State will accept the road;

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- (2) An act of ownership does not include driving on the road;
- (3) Any resident or land owner situated adjacent to the road may notify the county that the road is abandoned. The county shall take ownership of the road or within six months identify the owner and prove ownership; and
- (4) The State and counties are exempt from:
  - (a) Any requirement to perform maintenance on a surrendered road;
  - (b) Any liability for not maintaining the road;
  - (c) Any liability for maintenance performed prior to assuming ownership, even if they choose to perform maintenance; and
  - (d) Any requirement to upgrade the road to current standards (i.e. width, camber).

Your Committee has also amended the preamble to reflect the purpose of the measure. It has also made technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1408, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1408, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



