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# A BILL FOR AN ACT

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RELATING TO AGRICULTURAL LANDS.

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

1           SECTION 1. Section 663-10.99, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) For purposes of this section, unless the context  
4 otherwise requires:

5           "Agricultural land" means [any]:

6           (1) Any land that is four acres or less and used primarily  
7           for a farming operation and generates at least  
8           \$100,000 per year in profit; or

9           (2) Any land in excess of four acres used primarily for a  
10           farming operation[, as defined in section 165-2];

11 provided that the term shall include land used for farm  
12 buildings and dwellings and roads and irrigation infrastructure  
13 associated with the agricultural land.

14           "Fallow" means land associated with agricultural production  
15 that is left unseeded or unplanted for one or more growing  
16 seasons.



1       "Farming operation" has the same meaning as defined in  
2       section 165-2.

3       "Owner" means the possessor of a fee interest, a tenant,  
4       lessee, occupant, or person, group, club, partnership, family,  
5       organization, entity, or corporation that is in control,  
6       possession, or use of the land, and their members, agents,  
7       partners, representatives, shareholders, and employees.

8       "Trespasser" means a person who enters or remains  
9       unlawfully on the agricultural land without the permission of  
10      the owner, and the lands:

11       (1) Are fenced, enclosed, secured in a manner designed to  
12       exclude the general public, or marked by a structure  
13       or barrier, including a cattle grid, cattle grate, or  
14       other obstacle used to secure livestock;

15       (2) Have a sign or signs displayed on the land that are  
16       sufficient to give reasonable notice and that read as  
17       follows: "No Trespassing" or a substantially similar  
18       message; provided that the sign or signs shall consist  
19       of letters not less than two inches in height and  
20       shall be placed at reasonable intervals along the  
21       boundary line of the land and at roads and trails



entering the land in a manner and position as to be  
clearly noticeable from outside the boundary line; or

(3) At the time of entry, are fallow or have a visible  
presence or evidence of livestock-raising, such as  
cattle, horses, water troughs, shelters, or paddocks,  
or a crop:

(A) Under cultivation;

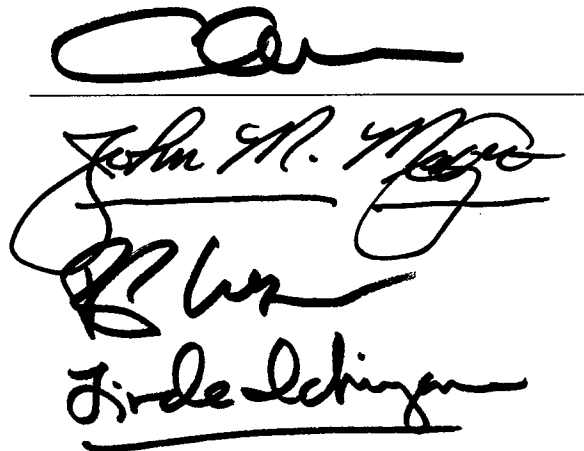
(B) In the process of being harvested; or

(C) That has been harvested."

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

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:



JAN 19 2018



# H.B. NO. 2017

**Report Title:**

Agricultural Lands; Trespass

**Description:**

Expands the definition of "agricultural lands" as it relates to an agricultural land owner's liability for injury, death, loss, or damage suffered by a trespasser, to include farm lands that are four acres or less and generate at least \$100,000 per year in profit.

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