

JAN 19 2022

A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. The legislature finds that there are numerous
2 roads throughout the State that are privately owned. Although
3 these roads are often used by the public, the public may not
4 realize that the road is not owned by a governmental agency.
5 This creates difficulties when individuals seek to have a
6 private road repaired. The legislature sought to address the
7 situation by passing Act 194, Session Laws of Hawaii of 2016,
8 which, among other things, expanded the State and counties'
9 authority to condemn private roads and exempted the State and
10 counties from requirements to maintain or improve condemned
11 roads for a three-year period. Further legislation is now
12 needed to reduce impediments to State and county condemnation of
13 private lanes so that the predicament of private lanes does not
14 endure.

15 The purpose of this Act is to:



- 1 (1) Remove the three-year limit on the exemption of the
- 2 State and counties from the requirement to maintain or
- 3 improve any condemned roads; and
- 4 (2) Abolish joint and several liability of the State and
- 5 counties for any condemned roads.

6 SECTION 2. Section 264-1, Hawaii Revised Statutes, is

7 amended by amending subsection (d) to read as follows:

8 "(d) If a privately owned highway, road, alley, street,

9 way, lane, bikeway, bridge, or trail is deemed to have been

10 [~~dedicated to or~~] condemned by the State or county pursuant to

11 subsection (c), the State or county shall be exempt [~~for a~~

12 ~~period of three years~~] from any state laws or rules adopted

13 pursuant thereto that would require the State or county to

14 perform construction, reconstruction, preservation, resurfacing,

15 restoration, or rehabilitation upon it. The State or county

16 shall be immune from joint and several liability for acts or

17 omissions that occurred prior to, or after, the condemnation of

18 a highway, road, alley, street, way, lane, bikeway, bridge, or

19 trail."




1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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 Statutory material to be repealed is bracketed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

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: 



S.B. NO. 2008

Report Title:

Condemnation; Joint and Several Liability; Torts; Roads; Private Lanes; Repairs and Maintenance; State and County Governments

Description:

Repeals the 3-year limit on the exemption of the State and counties from the requirement to maintain or improve any condemned roads. Abolishes joint and several liability of the State and counties for any condemned roads.

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

