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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. The legislature finds that there are roads in  
2 Hawaii whose ownership or jurisdiction is disputed between the  
3 State and counties. The legislature also finds that the safety  
4 of persons traveling over these "roads in limbo" is affected by  
5 the lack of maintenance to these roads. The legislature further  
6 finds that neither state nor county agencies are willing to  
7 maintain these roads because the maintenance activities may be  
8 construed as assuming ownership and jurisdiction over the  
9 disputed roads.

10           Therefore, the purpose of this Act is to enable government  
11 agencies to maintain roads whose ownership or jurisdiction is in  
12 dispute between the State and the counties by:

13           (1) Specifying that the maintenance or repair of disputed  
14 roads by any agency shall not be deemed to be an  
15 indication that the agency has assumed ownership or  
16 jurisdiction of the disputed road; and



1           (2) Allowing the State to transfer by quitclaim any  
2           interest it has in a disputed road if the county  
3           requests title to the disputed road.

4           SECTION 2. Chapter 264, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§264- Maintenance or repair of disputed public streets,  
8 roads, or highways; quitclaim. (a) Whenever ownership of a  
9 public street, road, or highway remains in dispute between the  
10 State and a county, any action by a government agency to  
11 maintain or repair a public street, road, or highway shall not  
12 be used to establish the agency's ownership of, or jurisdiction  
13 over, the public street, road, or highway and the agency shall  
14 not be deemed to have assumed ownership of, or jurisdiction  
15 over, the public street, road, or highway solely because of any  
16 action to maintain or repair a public street, road, or highway.

17           (b) Whenever the State or a county takes action to  
18 maintain or repair a public street, road, or highway pursuant to  
19 this section, the State and county shall be immune from civil  
20 liability arising therefrom; provided that the action is



1 conducted in good faith and in accordance with the applicable  
2 standard of care.

3 (c) If a county requests or requires title to a disputed  
4 public street, road, or highway, the State may transfer by  
5 quitclaim any interest it has in the public street, road, or  
6 highway to the county."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: 

JAN 24 2023



# H.B. NO. 1187

**Report Title:**

Disputed Roads; Road Maintenance; Quitclaim

**Description:**

Specifies that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance or repair activities. Authorizes the State to transfer ownership of roads in favor of counties by quitclaim if requested by the county.

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

