JOSH GREEN, M.D. GOVERNOR KE KIA'ĂINA



GOV. MSG. NO. 1300

EXECUTIVE CHAMBERS KE KE'ENA O KE KIA'ĀINA

June 6, 2025

The Honorable Ronald D. Kouchi President of the Senate, and Members of the Senate Thirty-Third State Legislature State Capitol, Room 409 Honolulu, Hawai'i 96813 The Honorable Nadine Nakamura Speaker, and Members of the House of Representatives Thirty-Third State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on June 6, 2025, the following bill was signed into law:

H.B. NO. 860, H.D. 1, S.D. 2, C.D. 1 RELATING TO LIABILITY. ACT 200

Mahalo,

oh Green M.D.

Josh Green, M.D. Governor, State of Hawaiʻi

Approved by the Governor

on____JUN

N 6 2025

HOUSE OF REPRESENTATIVES THIRTY-THIRD LEGISLATURE, 2025 STATE OF HAWAII

A BILL FOR AN ACT

ACT 200

H.B. NO.

860

H.D. 1

S.D. 2

C.D. 1

RELATING TO LIABILITY.

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

SECTION 1. The legislature finds that roads for which ownership or jurisdiction is in dispute between the State and a county, commonly referred to as "roads in limbo", often suffer from a lack of repair and maintenance. The legislature further finds that government agencies are often unwilling to maintain these roads due to liability concerns associated with its repair or maintenance.

8 The legislature further finds that on the island of Hawaii, there are 408.9 miles of roads in limbo located island wide. 9 There are also 122.6 miles of roads in limbo that are recognized 10 11 as government or homestead roads and 286.3 miles of paper roads, 12 or rights of way that are shown on tax maps but have not yet 13 This situation highlights the urgent need for clear been built. 14 action to address dilapidated roads while ensuring the State or counties are not held liable for repairing or maintaining a road 15 16 that may not be under their jurisdiction under certain 17 circumstances.

2025-3360 HB860 CD1 HMS0

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1	Accordingly, the purpose of this Act is to:	
2	(1)	Authorize the State and counties to engage in repair
3		or maintenance of streets in cases in which the
4		ownership or jurisdiction of the streets is in dispute
5		between the State and a county with a population of
6		more than two hundred thousand but less than five
7		hundred thousand;
8	(2)	Specify that the State or county that repaired or
9		maintained the street may only be held liable for acts
10		or omissions arising from the repair or maintenance
11		performed by the State or county on such street at any
12		time; and
13	(3)	Deem that repair or maintenance of a street shall not
14		confer ownership or jurisdiction over such street if
15		the ownership or jurisdiction over the street is in
16		dispute between the State and the county.
17	SECT	ION 2. Chapter 663, Hawaii Revised Statutes, is
18	amended b	y adding a new section to part I to be appropriately
19	designate	d and to read as follows:
20	" <u>§66</u>	3- Liability of the State or county repair or
21	maintenan	ce of certain streets. (a) The State or county may

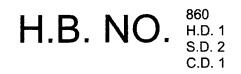
2025-3360 HB860 CD1 HMSO



1	repair or maintain any street of which the ownership or		
2	jurisdiction is in dispute between the State and county.		
3	The State or county that repaired or maintained the street,		
4	as applicable, may only be held liable for acts or omissions		
5	arising out of the repair or maintenance of that street that the		
6	State or county performed at any time.		
7	For the purposes of this subsection, "street" has the same		
8	meaning as defined in section 291C-1.		
9	(b) Agencies performing work pursuant to this section may		
10	post notice, signage, or other public communication clarifying		
11	that the repair does not establish permanent jurisdiction or		
12	ownership.		
13	(c) For the purposes of this section, repair or		
14	maintenance of a street shall not be deemed to confer ownership		
15	or jurisdiction over that street if the ownership or		
16	jurisdiction over the street is in dispute between the State and		
17	the county.		
18	(d) This section shall apply only in a county with a		
19	population of more than two hundred thousand but less than five		
20	hundred thousand."		
21	SECTION 3. New statutory material is underscored.		

2025-3360 HB860 CD1 HMSO

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SECTION 4. This Act shall take effect on upon its approval
and shall be repealed on July 1, 2030.

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H.B. NO. ⁸⁶⁰ H.D. 1 S.D. 2 C.D. 1

APPROVED this 6th day of June , 2025

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GOVERNOR OF THE STATE OF HAWAII

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2025 Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.

Nadni K. Mahm

Nadine K. Nakamura Speaker House of Representatives

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Brian L. Takeshita Chief Clerk House of Representatives

H.B. No. 860, H.D. 1, S.D. 2, C.D. 1

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2025 Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate

of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2025.

MMN-M. President of the benate

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Clerk of the Senate