
A BILL FOR AN ACT

RELATING TO LIABILITY.

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

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

8 The legislature further finds that on the island of Hawaii,
9 there are 408.9 miles of roads in limbo located island wide.
10 There are also 122.6 miles of roads in limbo that are recognized
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 been built. This situation highlights the urgent need for clear
14 action to address dilapidated roads while ensuring the State or
15 counties are not held liable for repairing or maintaining a road
16 that may not be under their jurisdiction under certain
17 circumstances.



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 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
18 amended by adding a new section to part I to be appropriately
19 designated and to read as follows:

20 "§663- Liability of the State or county repair or
21 maintenance of certain streets. (a) The State or county may



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.



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2 and shall be repealed on July 1, 2030.



Report Title:

Roads in Limbo; Liability for Repair or Maintenance; Counties;
Report

Description:

Specifies for a county with a population of more than two hundred thousand but less than five hundred thousand, that the State or county may repair or maintain any street of which the ownership or jurisdiction is in dispute between the State and county. Specifies that the State or county that repaired or maintained the street may only be held liable for acts or omissions arising out of the repair or maintenance of that street that the State or county performed at any time. Deems that repair or maintenance of a street shall not confer ownership or jurisdiction over such street if the ownership or jurisdiction over the street is in dispute between the State and the county. Sunsets 7/1/2030. (CD1)

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