
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 unwilling to maintain these
6 roads because of potential liability issues associated with
7 repair and 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 limited
3 resurfacing repairs or maintenance of streets in cases
4 in which the ownership or jurisdiction of the streets
5 is in dispute between the State and a county;
- 6 (2) Limit any additional liability for the State and
7 counties for repairs and maintenance to the limited
8 resurfacing repairs; and
- 9 (3) Specify liability in the event of an incident
10 resulting in personal injury or property damages.

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

14 "§663- Liability of the State or county repair or
15 maintenance of certain streets. (a) For any street, as defined
16 in section 291C-1, of which the ownership or jurisdiction is in
17 dispute between the State and county, the State or county may
18 undertake limited resurfacing of the existing road surface;
19 provided that the resurfacing shall not extend to any span of
20 bridge or section of street that crosses a culvert without
21 conferring ownership.



1 (b) Any additional liability for the street as a result of
2 limited resurfacing pursuant to subsection (a) shall be limited
3 to the resurfacing and not underlying nonconforming issues.

4 (c) In the event of an incident that results in personal
5 injuries or property damage, or both, liability shall be split
6 proportional to the share of the contributing cause for the
7 incident between the party who resurfaced the road and the party
8 who was responsible for the underlying road; provided that
9 liability shall be dependent upon the party at fault and cost of
10 the incident.

11 (d) For the purposes of this section, repair or
12 maintenance of a street shall not be deemed to confer ownership
13 or jurisdiction over that street if the ownership or
14 jurisdiction over the street is in dispute between the State and
15 the county."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 3000; and
18 shall be repealed on July 1, 2030.



Report Title:

Roads in Limbo; Liability for Repair or Maintenance; Counties

Description:

Specifies that the State or county may undertake limited resurfacing of an existing road surface of any street of which the ownership or jurisdiction is in dispute between the State and county. Limits any additional liability for the State and counties for repairs and maintenance to the limited resurfacing repairs. Provides that for any incident that does occur, liability shall be proportional based on responsibility. Deems that 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. Effective 7/1/3000. (SD1)

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