

Honolulu, Hawaii

APR 04 2025

RE: H.B. No. 860
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 860, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIABILITY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the State and counties to engage in limited resurfacing repairs or maintenance of streets in cases in which the ownership or jurisdiction of the streets is in dispute between the State and a county;
- (2) Limit any additional liability for the State and counties for repairs and maintenance to the limited resurfacing repairs;
- (3) Specify liability in the event of an incident resulting in personal injury or property damages; and
- (4) Deem that repair or maintenance of a street over which the ownership or jurisdiction is in dispute does not confer ownership or jurisdiction over that street to the State or county performing the work.



Your Committees received testimony in support of this measure from the Department of Transportation and one member of the Maui County Council.

Your Committees received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committees received comments on this measure from the Department of Land and Natural Resources and Hawai'i State Association of Counties.

Your Committees find that streets for which ownership or jurisdiction is in dispute between the State and a county are commonly referred to as "roads in limbo" and often suffer from a lack of repair and maintenance, largely due to government agencies being unwilling to maintain these roads because of potential liability issues associated with repair and maintenance. Your Committees further find that on the island of Hawai'i alone there are more than four hundred miles of roads in limbo, which highlights the urgent need for clear action to address dilapidated thoroughfares. This measure will encourage the State or counties to repair roads in limbo by ensuring the State and counties are only held liable for the respective repair or maintenance work they perform on roads in limbo and that they will not be deemed to have acquired ownership or jurisdiction as a result of that work.

Your Committees have amended this measure by:

- (1) Broadening the types of repairs or maintenance the State or county may undertake on any street of which the ownership or jurisdiction is in dispute between the State and county to any type of repair or maintenance;
- (2) Clarifying that the State or county that repaired or maintained the street, as applicable, 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;
- (3) Deleting language that would have specified liability in the event of an incident resulting in personal injury or property damage;



- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 860, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 860, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 860 HD1, SD1	TCA / EIG, JDC / wamm	4/1/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	~	~	~
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: small;"> Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB860 HD1 SD1	Committee Referral: TCA/EIG, JDC/WAM	Date: 4/1/2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn				X
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	11	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

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