
A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

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

1 SECTION 1. The legislature finds that the landowners'
2 liability law, codified as chapter 520, Hawaii Revised Statutes,
3 promotes public access to land and water areas for recreational
4 purposes by limiting a landowner's liability toward persons who
5 enter their land for these purposes.

6 The legislature further finds that, despite the legal
7 protections currently afforded under chapter 520, Hawaii Revised
8 Statutes, landowners remain reluctant to open their lands for
9 recreational use due to the threat of lawsuits and associated
10 costs in the event a person is injured on the landowner's
11 property. To ensure that more land and water areas are made
12 publicly available for recreational purposes, the law must be
13 clarified to better protect a landowner from liability for
14 injuries sustained by persons who are on the landowner's
15 property for recreational purposes.



1 The purpose of this Act is to encourage more landowners to
2 make land and water areas available to the public for
3 recreational purposes by:

4 (1) Clarifying that the persons who enter the private
5 property for recreational purposes have no cause of
6 action, unless exempted under law;

7 (2) Requiring the courts to award attorneys' fees and
8 costs to landowners if plaintiffs bring unreasonable
9 actions;

10 (3) Establishing, as a matter of law, that persons or
11 minors participating in outdoor recreational
12 activities accept the inherent risks, dangers, or
13 hazards in the activities; and

14 (4) Clarifying the definitions for "recreational purpose"
15 and "recreational user".

16 SECTION 2. Chapter 520, Hawaii Revised Statutes, is
17 amended by adding three new sections to be appropriately
18 designated and to read as follows:

19 "§520- No cause of action. Except as provided in
20 section 520-5, no cause of action shall exist for a person who



1 is injured while using the premises as provided in section
2 520-3.

3 §520- Award of attorneys' fees and costs. If the
4 landowner prevails under this chapter and the court finds that
5 the recreational user had no reasonable basis for bringing the
6 action, in addition to the fees and costs permitted under
7 section 607-9, the court shall award the landowner's reasonable
8 attorneys' fees and costs incurred in the lawsuit.

9 §520- Assumption of the risk. It is recognized that
10 outdoor recreational activities may be hazardous. Therefore,
11 each person who participates in outdoor recreational activities
12 accepts, as a matter of law, the risks, dangers, or hazards
13 inherent in these activities, and shall not maintain an action
14 against an owner of land for any injuries that result from these
15 inherent risks, dangers, or hazards. The categories of risks,
16 dangers, or hazards that the outdoor recreational participant
17 assumes as a matter of law include but are not limited to the
18 following: variations in terrain, trails, paths, or roads;
19 surface or subsurface snow or ice conditions; bare spots, rocks,
20 trees, stumps, and other forms of forest growth or debris;
21 structures on the land; environmental toxic exposure; equipment



1 not in use; pole lines; fences; and collisions with other
2 objects or persons."

3 SECTION 3. Section 520-2, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending the definition of "recreational purpose" to
6 read:

7 ""Recreational purpose" includes but is not limited to any
8 of the following, or any combination thereof: hunting, fishing,
9 swimming, biking, boating, camping, picnicking, hiking, pleasure
10 driving, spectating, nature study, water skiing, winter sports,
11 motorsports, and viewing or enjoying historical, archaeological,
12 scenic, or scientific sites."

13 2. By amending the definition of "recreational user" to
14 read:

15 ""Recreational user" means any person, including a minor,
16 who is on or about the premises that the owner of land either
17 directly or indirectly invites or permits, without charge, entry
18 onto the property for recreational purposes."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



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1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY: Samuel S Kay

JAN 09 2025



H.B. NO. 12

Report Title:

Landowner Liability; Recreational Uses of Land

Description:

Clarifies that persons who enter private property for recreational purposes have no cause of action, unless exempted under law. Requires courts to award attorneys' fees and costs to landowners if plaintiffs bring unreasonable actions. Establishes, as a matter of law, that persons participating in outdoor recreational activities accept the inherent risks, dangers, or hazards in the activities. Clarifies the definitions for "recreational purpose" and "recreational user".

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