

Honolulu, Hawaii

MAR 21 2025

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

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

Sir:

Your Committees on Transportation and Culture and the Arts and Energy and Intergovernmental Affairs, to which was referred H.B. No. 860, H.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) Specify that the State or a county that repairs or maintains a street of which the ownership or jurisdiction is in dispute between the State and county, shall be immune from liability for personal injuries or property damage arising out of the repair or maintenance of that street; and
- (2) Deem 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.

Your Committees received testimony in support of this measure from the Department of Transportation, one member of the Maui County Council, one member of the Hawai'i County Council, Hawai'i State Association of Counties, Paauilo Homestead Community Association, and one individual.



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.

Your Committees find that there are hundreds of miles of roads throughout the State that are roads in limbo, meaning the roads face ownership or jurisdictional disputes between the State and a county. Your Committees further find that although these roads are often used by the public, the roads do not receive necessary repair and maintenance and in some cases have fallen into significant disrepair. By clarifying liability between the State and counties for repairing or maintaining a road that may not be under their jurisdiction, this measure will encourage the maintenance and repair of certain roads to improve public safety and transportation infrastructure.

Your Committee notes the concern of the Hawaii Association for Justice that this measure provides overly broad immunity for maintenance of roads with disputed ownership.

Accordingly, your Committees have amended this measure by:

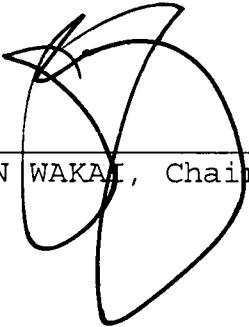
- (1) Deleting language that would have provided immunity from liability to the State or a county that repairs or maintains a street under jurisdictional dispute;
- (2) Clarifying that the State or county may undertake limited resurfacing repairs for any street under jurisdictional dispute between the State and county;
- (3) Specifying that any additional liability as a result of the limited resurfacing shall be limited to the resurfacing;
- (4) Specifying that in the event of an incident resulting in personal injury or property damages, liability shall be split proportional to the contributing cause of the incident between the parties involved depending which is at fault and cost of the incident;



- (5) Amending section 1 to reflect its amended purpose;
- (6) Inserting a repeal date of July 1, 2030; and
- (7) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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

Respectfully submitted on behalf of the members of the Committees on Transportation and Culture and the Arts and Energy and Intergovernmental Affairs,



GLENN WAKAI, Chair

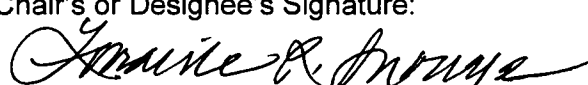


CHRIS LEE, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i


Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* HB 860 HDI	Committee Referral: TCA/EIG, JDC/WAM	Date: 3-18-2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
DECORTE, Samantha	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Energy and Intergovernmental Affairs
EIG

Bill / Resolution No.:*	Committee Referral:	Date:		
HB860 HD1	TCA/EIG, JDC/WAM	3/18/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
CHANG, Stanley (VC)	✓			
DECOITE, Lynn	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
FEVELLA, Kurt				✓
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

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