

ACT 137

H. B. NO. 115

A Bill for an Act Relating to Traffic Regulations and Placement of Traffic Control Devices over Private Streets.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Part 1 of Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 46- Traffic regulation and control over private streets. Any provisions of law to the contrary notwithstanding, the council of any county may impose and enforce traffic regulations and place appropriate traffic control devices on the following categories of private streets, highways, or thoroughfares, except private roads used primarily for agricultural purposes:

- (1) Any private street, highway, or thoroughfare which has been continuously used by the general public for a period of not less than six months; provided that the county shall not be responsible for the

maintenance and repair of the private street, highway, or thoroughfare when it imposes and enforces traffic regulations and places appropriate traffic control devices on such street, highway, or thoroughfare; provided further, that no adverse or prescriptive rights shall accrue to the general public when the county imposes and enforces traffic regulations and places appropriate traffic control devices on such street, highway, or thoroughfare.

- (2) Any private street, highway, or thoroughfare which is intended for dedication to the public use as provided in section 264-1 and is open for public travel but has not yet been accepted by the county.”

SECTION 2. Section 70-102, Hawaii Revised Statutes, is repealed.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 22, 1973.)

*Edited accordingly.