

A Bill for an Act Relating to Fences.

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

SECTION 1. Section 142-61, Hawaii Revised Statutes, is amended to read as follows:

“§142-61 Lawful fence; penalty. (a) Every fence [shall be deemed a lawful fence which is] made of stone, posts and rails, posts and boards, posts and wire, or other suitable materials[,] shall be a lawful fence, provided that it [be] is not less than four and a half feet in height, substantially built, strong and close, existing in good state of repair, and capable of turning either all stock or all stock excepting swine, attempting to pass through the fence.

(b) Woven wire, or what is otherwise known also as hog-wire, used as a type of wire by itself or with a combination of barbed wire or plain wire, [in any case of which,] when supported on posts and properly fastened thereto[,] and meeting the minimum height and stock turning requirements prescribed [hereinabove] in [this section,] subsection (a), shall be a lawful fence.

(c) The sea, rivers, ponds, and natural perpendicular bluffs, whenever impassable, shall be lawful fences.

(d) Whenever fences are [desired to be] built on any boundary, or within the exterior boundaries of any privately owned land or lot, or within the exterior boundaries of any leased public land or lot, to keep animals confined to certain areas[,] or to keep farms protected against the trespass of animals, except on the boundary of any government road, it shall be [deemed] lawful to have fence wire electrically charged, provided such wire is fastened to insulators supported on posts, and provided also that the charge supplied shall be through an approved electric fence controller which shall be labeled or listed as conforming to the standards of either the National Bureau of Standards, the Underwriter's Laboratories, Inc., or any other similar institutions of recognized standing, and provided [also] that an electric fence controller intended for use in the State shall bear a recognized commercial trade name and the name of the selling agency of same.

(e) Whenever fences are built on any boundary, including on the boundary of any government road, within the exterior boundaries of any privately owned land or lot, or within the exterior boundaries of any leased public land or lot, to keep animals confined to certain areas or to keep farms protected against the trespass of animals, it shall be lawful to attach electrically charged attachments to the interior side of the fence; provided that in the case of wire fences, it shall be lawful to attach electrically charged attachments only to the interior side of posts supporting the wire; and provided further that no person shall be subject to injury by the electrically charged attachments while the person is on or touches the exterior side of the fence or fence post.

(f) Any person who constructs or maintains an electrically charged fence or fence with electrically charged attachments not conforming to the requirements of this section shall be fined not more than \$500, or imprisoned not more than one year, or both.

(g) Any person who constructs or maintains an electrically charged fence or fence with electrically charged attachments along the boundary of any government road or within the exterior boundaries of any leased public land or lot shall defend, indemnify, and hold harmless, the State, county, or other public entity from all claims, suits, or judgments arising from the use of an electrically charged fence or fence with electrically charged attachments.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 30, 1984.)