ACT 358 H.B. NO. 2550

A Bill for an Act Relating to Highways.

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

SECTION 1. Section 46-16, Hawaii Revised Statutes, is amended to read as follows:

"[[]]§46-16[]] **Traffic regulation and control over private streets.** Any provision of law to the contrary notwithstanding, [the council of] any county and its authorized personnel may impose and enforce traffic regulations and place appropriate traffic control devices, and may enforce chapters 286 and 291C, on the following categories of private streets, highways, or thoroughfares, except private roads used primarily for agricultural and ranching purposes:

(1) Any private street, highway, or thoroughfare which has been used 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] or enforces traffic regulations and highway safety laws or places appropriate traffic control devices on [such] that street, highway, or thoroughfare; provided further that no adverse or prescriptive rights shall accrue to the general public when the county imposes [and] or enforces traffic regulations and highway safety laws or places appropriate traffic control devices on [such] that street, highway, or thoroughfare[.]; and

(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. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 14, 1988.)