

## ACT 3

S.B. NO. 2387

A Bill for an Act Relating to Owners of Land.

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

SECTION 1. The legislature finds that sections 520-3 and 520-4(a), Hawaii Revised Statutes, erroneously refer to section 520-6, Hawaii Revised Statutes, and should instead refer to section 520-5, Hawaii Revised Statutes. The legislature also finds that sections 520A-3 and 520A-4(a), Hawaii Revised Statutes, erroneously refer to section 520A-6, Hawaii Revised Statutes, and should instead refer to section 520A-5, Hawaii Revised Statutes.

The legislature further finds that the legislative reference bureau's revision bill is not the correct vehicle to make these changes, since there are questions of legislative intent.

Therefore, the purpose of this Act is to correct erroneous references in chapters 520 and 520A, Hawaii Revised Statutes.

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

**“§520-3 Duty of care of owner limited.** Except as specifically recognized by or provided in section [~~520-6,~~] 520-5, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes, or to persons entering for a purpose in response to a recreational user who requires assistance, either

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direct or indirect, including but not limited to rescue, medical care, or other form of assistance.”

SECTION 3. Section 520-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as specifically recognized by or provided in section [~~520-6;~~ 520-5], an owner of land who either directly or indirectly invites or permits without charge any person to use the property for recreational purposes does not:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) Assume responsibility for, or incur liability for, any injury to person or property caused by an act of omission or commission of such persons; and
- (4) Assume responsibility for, or incur liability for, any injury to person or persons who enter the premises in response to an injured recreational user.”

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

“**§520A-3 Duty of care of owner limited.** Except as specifically recognized by or provided in section [~~520A-6;~~ 520A-5], an owner of land owes no duty of care to keep the premises safe for entry or use by others for control or eradication of invasive species, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes, or to persons entering in response to such persons who require assistance, either directly or indirectly, including but not limited to rescue, medical care, or other form of assistance.”

SECTION 5. Section 520A-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as specifically recognized by or provided in section [~~520A-6;~~ 520A-5], an owner of land who either directly or indirectly invites or permits without charge any person to use the property for control or eradication of invasive species does not:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) Assume responsibility for, or incur liability for, any injury to any person or property caused by an act of omission or commission of such persons; and
- (4) Assume responsibility for, or incur liability for, any injury to any person or persons who enter the premises in response to an injured person who entered the premises to control or eradicate invasive species.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 11, 2024.)