
A BILL FOR AN ACT

RELATING TO TORT LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the recreational use
2 law, codified as chapter 520, Hawaii Revised Statutes, is an
3 important means to allow public access to land and water areas
4 for recreational purposes while limiting landowner's liability
5 towards persons or minors entering for these purposes.

6 The legislature further finds that, despite the legal
7 protection currently afforded under chapter 520, Hawaii Revised
8 Statutes, landowners remain reluctant to open their lands for
9 recreational use due to the threat of lawsuits and associated
10 costs in the event a person or minor is injured on the
11 landowner's property.

12 The legislature also finds that chapter 520, Hawaii Revised
13 Statutes, must be clarified to better protect a landowner from
14 liability for injuries experienced by persons or minors while on
15 the landowner's property for recreational purposes to ensure
16 that more land and water areas can be available to the public
17 for recreational purposes.



1 The purpose of this Act is to encourage more landowners to
2 make land and water areas available with or without charge to
3 the public for recreational purposes by:

4 (1) Clarifying that persons or minors injured on the
5 landowner's property in circumstances where a
6 landowner's liability is limited under chapter 520,
7 Hawaii Revised Statutes, have no cause of action;

8 (2) Awarding attorneys' fees and costs if a suit is
9 determined to lack a reasonable basis for bringing the
10 action; and

11 (3) Providing that persons or minors, as a matter of law,
12 assume the risks for outdoor recreational activities
13 and cannot maintain an action against the landowner
14 for any injuries resulting from these inherent risks.

15 SECTION 2. Chapter 520, Hawaii Revised Statutes, is
16 amended by adding three new sections to be appropriately
17 designated and to read as follows:

18 "§520- No cause of action. Except as provided in
19 section 520-5, no cause of action shall exist for a person or
20 minor injured using the premises as provided in section 520-3.



1 §520- **Award of attorneys' fees and costs.** If, as to any
2 action against a landowner, the court finds against the claimant
3 because of the application of this chapter, it shall determine
4 whether the claimant had a reasonable basis for bringing the
5 action, and if no reasonable basis is found, shall order the
6 claimant to pay for the reasonable attorneys' fees and costs
7 incurred by the landowner in defending against the action.

8 §520- **Assumption of the risk.** It is recognized that
9 outdoor recreational activities may be hazardous. Therefore,
10 each person or minor who participates in outdoor recreational
11 activities accepts, as a matter of law, the dangers inherent in
12 these activities, and shall not maintain an action against an
13 owner, occupant, or lessee of land for any injuries that result
14 from these inherent risks, dangers, or hazards. The categories
15 of risks, hazards, or dangers that the outdoor recreational
16 participant assumes as a matter of law include but are not
17 limited to the following: variations in terrain, trails, paths,
18 or roads; surface or subsurface snow or ice conditions; bare
19 spots, rocks, trees, stumps, and other forms of forest growth or
20 debris; structures on the land; environmental toxic exposure;



1 equipment not in use; pole lines; fences; and collisions with
2 other objects, persons, or minors."

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

5 1. By amending the definition of "recreational purpose" to
6 read:

7 ""Recreational purpose" includes but is not limited to any
8 of the following, or any combination thereof: hunting, fishing,
9 swimming, biking, boating, camping, picnicking, hiking, pleasure
10 driving, spectating, nature study, water skiing, winter sports,
11 motorsports, and viewing or enjoying historical, archaeological,
12 scenic, or scientific sites."

13 2. By amending the definition of "recreational user" to
14 read:

15 ""Recreational user" means any person or minor who is on or
16 about the premises that the owner of land either directly or
17 indirectly invites or permits, with or without charge, entry
18 onto the property for recreational purposes."

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



1 "(a) Except as specifically recognized by or provided in
2 section 520-6, an owner of land who either directly or
3 indirectly invites or permits with or without charge any person
4 or minor to use the property for recreational purposes does not:

5 (1) Extend any assurance that the premises are safe for
6 any purpose;

7 (2) Confer upon the person or minor the legal status of an
8 invitee or licensee to whom a duty of care is owed;

9 (3) Assume responsibility for, or incur liability for, any
10 injury to person, minor, or property caused by an act
11 of omission or commission of [~~such~~] the persons[~~+~~] or
12 minors; and

13 (4) Assume responsibility for, or incur liability for, any
14 injury to person [~~or~~], persons, or minors who enter
15 the premises in response to an injured recreational
16 user."

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

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



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

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INTRODUCED BY:

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JAN 23 2024



H.B. NO. 2533

Report Title:

Landowner Liability; Recreational Uses of Land

Description:

Clarifies that persons or minors that enter private property with or without charge by a landowner for recreational purposes have no cause of action, unless exempted under law. Requires a court to award attorneys' fees and costs to landowners if plaintiffs bring unreasonable claims. Establishes as a matter of law, persons or minors participating in outdoor recreational activities accept the inherent dangers in the activities.

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