
A BILL FOR AN ACT

RELATING TO LANDOWNER LIABILITY.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§663- Trespass; range land; limited duty of care and
5 liability of owner. (a) An owner of range land owes no duty of
6 care to a trespasser for injury to, property damage, or death of
7 the trespasser that occurs on range land, or to warn a
8 trespasser of dangerous natural conditions or range activities
9 or uses; provided that the range land:

10 (1) Is fenced, enclosed, or secured in a manner designed
11 to exclude the general public, or marked by a
12 structure or barrier, such as a cattle grid or cattle
13 grate or other obstacle used to secure livestock; or
14 (2) Has at least one sign displayed on the range land that
15 is sufficient to give notice and that reads: "No
16 Trespassing" or a substantially similar message. The
17 sign shall contain letters not less than two inches in
18 height and shall be placed along the boundary line of



1 the range land in a manner and position that is
2 clearly noticeable from outside the boundary line.

3 Where an owner knows or should reasonably anticipate
4 the presence of trespassers in an area or areas of
5 range land, a sign or signs sufficient to give notice
6 shall be placed at such area or areas.

7 (b) Nothing in this section shall limit the liability of a
8 range land owner whose acts are grossly negligent, in wilful or
9 wanton disregard of the safety of a trespasser, or who
10 intentionally causes injury, property damage, or death to a
11 trespasser. This section shall not apply to minor children
12 twelve years of age or younger where the owner knows of or
13 should reasonably anticipate the presence of such children on
14 the range land.

15 (c) The duty of care of an owner of range land who allows
16 recreational use of range land shall be as provided in section
17 520-3.

18 (d) As used in this section:

19 "Owner" means the person who holds title to or is in lawful
20 possession of the range land.

21 "Range land" means any land exceeding four acres that is
22 used primarily for range use, including livestock grazing,



1 dairying, or keeping of equine, bovine, and similar livestock,
2 such as cattle, horses, sheep, and goats. Range land includes
3 appurtenant roadways, waterways, buildings, structures, and
4 machinery or equipment attached to the land that is used in
5 connection with range land activities. Range land in rural
6 areas may include multiple parcels of less than four acres in
7 size that together exceed four acres in the aggregate, when
8 operated as a single venture.

9 "Trespasser" means a person who enters or remains
10 unlawfully on the range land without the permission of the
11 owner."

12 SECTION 2. The Hawaii Farm Bureau Federation shall submit
13 a report to the legislature no later than twenty days prior to
14 the convening of the regular session of 2013, regarding the
15 number of personal injury claims brought by or on behalf of
16 trespassers against owners of croplands.

17 SECTION 3. 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 4. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on January 1, 2012,
22 and shall be repealed on December 31, 2017.



Report Title:

Landowner Liability; Trespass

Description:

Establishes that an owner of range land owes no duty of care, under certain conditions, toward a trespasser for injuries suffered by the trespasser that occur on range land, or to warn the trespasser of dangerous natural conditions or range activities or uses. Requires the Hawaii Farm Bureau Federation to submit a report to the legislature on the number of personal injury claims brought by or on behalf of trespassers against owners of croplands. Effective January 1, 2012, and shall be repealed on December 31, 2017. (SB1079 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

