
A BILL FOR AN ACT

RELATING TO PUBLIC LAND LIABILITY.

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

1 SECTION 1. The purpose of this Act is to amend Act 82,
2 Session Laws of Hawaii 2003, as amended, and to clarify the
3 definition of "improved public lands".

4 SECTION 2. Act 82, Session Laws of Hawaii 2003, as amended
5 by section 5 of Act 152, Session Laws of Hawaii 2007, by section
6 1 of Act 144, Session Laws of Hawaii 2008, and by section 3 of
7 Act 81, Session Laws of Hawaii 2009, is amended by amending the
8 definitions section, section 663- , Hawaii Revised Statutes, in
9 section 2 as follows:

10 1. By adding a new definition to be appropriately inserted
11 and to read:

12 "Voluntary trails" means trails, paths, or routes created
13 by hikers or other users of public land that are not part of an
14 official trail constructed, developed, or maintained by the
15 State or any county."

16 2. By amending the definition of "improved public lands"
17 to read:



1 ""Improved public lands" means lands designated as part of
2 the state park system, parks, and parkways under chapter 184[7]
3 and developed or maintained by the State, or as part of a
4 county's park system[7] and developed or maintained by the
5 county, and lands [which] that are part of the Hawaii statewide
6 trail and access system under chapter 198D, excluding buildings
7 and structures constructed upon such lands. [~~For purposes of~~
8 this part, "improved public lands"] The term excludes voluntary
9 trails, created by users of the public lands that are not part
10 of the statewide trail and access system, and ocean and
11 submerged lands."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Public Land Liability; Voluntary Trails

Description:

Amends and clarifies the definition of "improved public lands" for the limitation of liability for public entities based on the duty to warn of dangers on public lands. (SD2)

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