
A BILL FOR AN ACT

RELATING TO STATUTE OF LIMITATIONS.

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

1 SECTION 1. The legislature finds that the explicit
2 creation of a statute of limitations applicable to inverse
3 condemnation actions against the State is warranted in light of
4 the Hawaii Supreme Court's decision in *DW Aina Le'a Dev.,*
5 *LLC v. State Land Use Comm'n*, 148 Haw. 396 (2020). Setting this
6 limitation by statute will bring certainty and predictability to
7 the time within which a plaintiff shall file this type of claim
8 against the State or be barred from pursuing the claim.

9 Accordingly, the purpose of this Act is to establish a
10 two-year statute of limitations for an inverse condemnation
11 claim brought against the State, including a claim brought under
12 article I, section 20, of the Hawaii State Constitution, which
13 provides that "[p]rivate property shall not be taken or damaged
14 for public use without just compensation."

15 SECTION 2. Chapter 657, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§657- Two years; inverse condemnation. All actions
2 for an inverse condemnation against the State, including a claim
3 brought under article I, section 20, of the state constitution,
4 shall be commenced within two years after the cause of action
5 accrued."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Statute of Limitations; Inverse Condemnation; Constitutional Claim

Description:

Establishes a two-year statute of limitations for all actions for an inverse condemnation against the State, including a claim brought under article I, section 20, of the state constitution, regarding eminent domain. (HD1)

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

