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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

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

1           SECTION 1. The legislature finds that roadways that are  
2 substandard and unsafe threaten the health and safety of anyone  
3 using or living adjacent to these roads. While the State and  
4 county maintain certain roads within their respective  
5 jurisdictions, there are many private roads that are unsafe but  
6 widely used the general public. Impact fees are a useful tool  
7 in paying for capital costs associated with development, however  
8 that tool is primarily used by the counties through an  
9 ordinance.

10           The purpose of this Act is to allow the department of  
11 transportation to assess impact fees for the repair or  
12 renovation of an unsafe roadway that is used by the public that  
13 is a substantial danger to public health and safety.

14           SECTION 2. Section 264-123, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "~~§~~264-123~~§~~ **Authority to assess impact fees; needs**  
17 **assessment study.** (a) A county may assess, impose, levy,



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1 collect, and transfer to the department impact fees for any  
2 development pursuant to ordinances adopted under section 46-142  
3 and this part, and the department is authorized to receive those  
4 funds for state highway improvements.

5 (b) Prior to the assessment, imposition, levy, collection,  
6 or transfer to the department of impact fees pursuant to this  
7 section, the director shall approve a needs assessment study  
8 that shall identify the kinds of state highway improvements for  
9 which the fees shall be imposed by the county pursuant to part  
10 VIII of chapter 46.

11 (c) Notwithstanding section 46-142 and subsection (a) of  
12 this section, the department may assess, impose, levy, and  
13 collect impact fees for capital costs relating to the  
14 development of state highway improvements when the department  
15 determines that an existing privately owned highway that is  
16 commonly used by the public is a substantial danger to the  
17 public health and safety."

18 SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

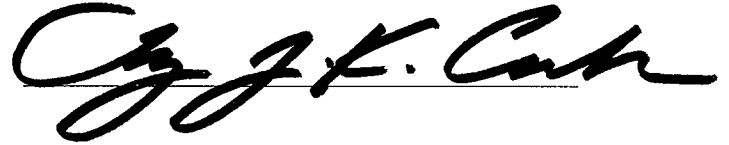


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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Greg J. K. Cook", written over a horizontal line.

JAN 25 2021



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**Report Title:**

DOT; Impact Fees; Private Roadways

**Description:**

Allows the department of transportation to assess impact fees for the repair or renovation of an unsafe roadway that is used by the public that is a substantial danger to public health and safety.

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

