SB 2548
RELATING TO LANDOWNERS’ LIABILITY

Senate Committee on
Planning, Land and Water Use Management

Public Hearing - January 29, 1996
1:00 P.M., Room 225, State Capitol

By
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SB 2548 would redefine “recreational purposes” as used in §520-2, HRS in order to effect a limitation of a landowner’s liability.

Our statement on this measure is compiled from voluntarily submitted opinions of listed academic sources, and as such, does not constitute an institutional position of the University of Hawaii.

This measure appears to be a response to concerns expressed by landowners in proximity to trail heads such as that at Wiliwilinui ridge, and it specifically relates to liability exposure arising from public transit of their property. The proposed remedy would seem adequate, with the following caveat: conveyance of a limitation to landowner’s liability should not be construed as a blanket permission for access to private property. Nothing in this provision should deprive landowners of the right to exclude someone. The purposes of this act would best be achieved by limiting its provisions to pre-existing trails or rights of way.