

A BILL FOR AN ACT

RELATING TO TRESPASS.

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

SECTION 1. The legislature finds that visitor guide websites and visitor guide publications may encourage visitors to intrude onto private property to experience an attraction or activity. The representations made by these websites and guide publications put visitors at potential risk by describing attractions or activities without adequately explaining the inherent dangers associated with them, or that they are located on or require crossing private property, often resulting in serious injury or death to the visitor.

The legislature further finds that because of the publicity from and encouragement by visitor guide websites and visitor guide publications, the private landowner is unable to reasonably prevent intruders from going on or through their land to get to the dangerous attraction or activity.

The purpose of this Act is to:

(1) Hold authors or publishers of visitor websites or publications, who knowingly or negligently inform, encourage, invite, or attract any person to enter or remain on private lands that are not open to the public, civilly liable for injury or death of the person; and

(2) Require the authors or publishers to defend and indemnify the owner or occupier of the private land from any liability arising from the injury or death of the person.

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

"§663- Visitor guide liability. (a) Any author or publisher of a visitor guide website or visitor guide publication shall be civilly liable for injury or death to a person if the:

(1) Visitor guide website or visitor guide publication knowingly or negligently encourages or invites any person to enter, cross, or remain on privately owned land from which the public is excluded; and

(2) Person is injured or dies as a result of the person entering, crossing, or remaining on privately owned land from which the public is excluded as a result of information or statements contained in the visitor guide website or visitor guide publication.

(b) The visitor guide website or visitor guide publication that is liable to any person described in subsection (a) shall also defend and indemnify the owner or occupier of private land from which the public is excluded for any liability arising on account of such injury or death.

(c) As used in this section:

"Visitor guide publication" means any published book, pamphlet, magazine, handout, mailer, or advertisement, whether disseminated via hard copy or electronic distribution that provides information about a visitor destination, geographic destination, or natural attraction on privately owned land from which the public is excluded in the State.

"Visitor guide website" means any commercial travel:

(1) Website;

(2) Social media wireless communication;

(3) Forum;

(4) Twitter account; or

(5) Blog.

that provides information about a visitor destination, geographic destination, or natural attraction on privately owned land from which the public is excluded in the State."

SECTION 3. New statutory material is underscored.

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

Report Title:

Visitor Guide Publications and Websites; Liability; Private Lands

Description:

Holds authors and publishers of visitor websites and publications liable to readers who suffer injury or death as a result of being enticed to go onto private lands that are not open to the public. (HB548 HD1)

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