

JAN 25 2006

S.B. NO. 2494

---

---

## A BILL FOR AN ACT

RELATING TO MINORS.

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

1           SECTION 1. Section 663-10.95, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Any waiver and release, waiver of liability, or  
4 indemnity agreement in favor of an owner, lessor, lessee,  
5 operator, or promoter of a motorsports facility, which releases  
6 or waives any claim by a participant or anyone claiming on  
7 behalf of the participant which is signed by the participant, or  
8 in the case of a minor, the minor's representative, in any  
9 motorsports or sports event involving motorsports in the State,  
10 shall be valid and enforceable against any negligence claim for  
11 personal injury of the participant or anyone claiming on behalf  
12 of and for the participant against the motorsports facility, or  
13 the owner, operator, or promoter of a motorsports facility. The  
14 waiver and release shall be valid notwithstanding any claim that  
15 the participant, or in the case of a minor, the minor's  
16 representative, did not read, understand, or comprehend the  
17 waiver and release, waiver of liability, or indemnity agreement  
18 if the waiver or release is signed by both the participant, or



1 in the case of a minor, the minor's representative, and a  
 2 witness [; provided that a waiver and release, waiver of  
 3 liability, or indemnity agreement executed pursuant to this  
 4 section shall not be enforceable against the rights of any minor  
 5 or the minor's representative]."

6 SECTION 2. 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 3. Statutory material to be repealed is bracketed  
 10 and stricken.

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

12

INTRODUCED BY: Russell Kohf  
Carol Zukerman  
Claremont Quibben  
Norman Satomp  
Anna Mrazadok



**SB. NO. 2494**

**Report Title:**

Liability for minors; all-terrain vehicles and motorcycles

**Description:**

Removes the exemption for minors from waiver of liability with respect to all-terrain vehicles and motorcycles.

