

JAN 25 2006

S.B. NO. 2843

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# A BILL FOR AN ACT

RELATING TO STATE TORT LIABILITY.

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

1           SECTION 1. Chapter 662, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

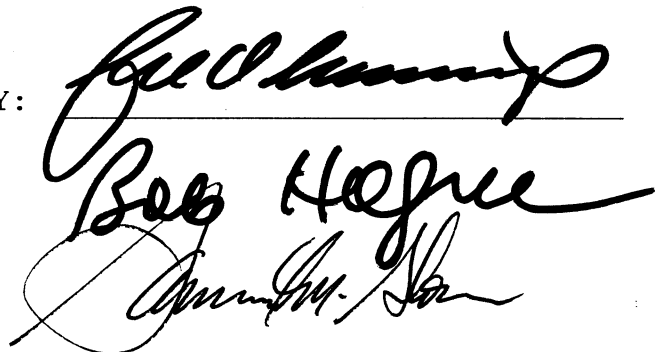
4           "§662- Defense of Traffic Control Devices. The State and  
5 its political subdivisions shall not be liable under this  
6 chapter for an injury caused by the failure to provide traffic  
7 or warning signals, signs, markings, or devices. Nothing in  
8 this section exonerates the State or its political subdivisions  
9 from liability for injury proximately caused by such failure if  
10 a signal, sign, marking, or device was necessary to warn of a  
11 dangerous condition which endangered the safe movement of  
12 traffic and which would not be reasonably apparent to, and would  
13 not have been anticipated by, a person exercising due care."

14           SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:





*Anna Mercado Ki*

*D. J. D. J.*

**Report Title:**

State Tort Liability; Defense of Traffic Control Devices

**Description:**

Eliminates the liability of the State or counties to any claim for the failure to utilize or maintain a traffic control device, unless it can be shown such device would have been necessary to warn the safe movement of traffic of a condition that would not have been apparent to a reasonable person.

